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JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History—*Freeman*

VOLUME X

CHURCH AND STATE
COLUMBUS AND AMERICA

BALTIMORE
THE JOHNS HOPKINS PRESS
1892

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BALTIMORE.**

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I

THE BISHOP HILL COLONY

A RELIGIOUS COMMUNISTIC SETTLEMENT IN HENRY
COUNTY, ILLINOIS



JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
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TENTH SERIES

I

THE BISHOP HILL COLONY

A RELIGIOUS COMMUNISTIC SETTLEMENT IN HENRY
COUNTY, ILLINOIS

By MICHAEL A. MIKKELSEN, A.M.

Fellow in History, Johns Hopkins University

BALTIMORE
THE JOHNS HOPKINS PRESS
PUBLISHED MONTHLY
January, 1892

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ISAAC FRIEDENWALD CO., PRINTERS,
BALTIMORE.

P R E F A C E.

The author does not find it necessary to make any apology for the appearance of this little contribution to the history of the Scandinavian settlements in the Northwest. The Bishop Hill Colony will always occupy a prominent place in any history of the State of Illinois. It was founded when Chicago was but an overgrown village, and when there was not a single city worthy of the name in the State. It brought 1100 able-bodied immigrants into the county of Henry when the entire population of the county was only four times that number. It put large quantities of ready money into circulation at a time when business was largely conducted by barter and when the principal medium of exchange was the skins of fur-bearing animals. It inaugurated that mighty tide of Swedish immigration which has flooded the State of Illinois and the entire Northwest with prosperous Swedish homesteads and flourishing villages. The Bishop Hill Colony built mills, erected manufactories, and put thousands of acres of virgin soil under cultivation. It engaged in banking, and its history connects itself with that of early railroading in the State. In the days of its greatest prosperity it was the principal commercial and industrial center in all the distance between the cities of Peoria and Rock Island. Yet, in spite of its importance for the early industries of the State, the Bishop Hill Colony was primarily a religious society. The history of the Jansonists before their emigration belongs to the ecclesiastical history of Sweden. What they sought in the New World was not wealth, but freedom to worship God after their own manner. They held views that were repugnant to the Church of Sweden. It was the realization of these views which they sought in the New World. Of the

character of these views, as well as of the result of the experiment, the reader of this historical sketch will be able to judge for himself.

The Bishop Hill Colony was incidentally an experiment in practical communism. Perhaps also this side of its history may not be void of interest or profit in our day, when social improvement is sought largely along similar lines. It is now, indeed, thirty years since the society was dissolved, and circumstances have been modified by the advance of civilization and the progress of the industrial revolution. But human nature is substantially the same to-day as in the day of our fathers and grandfathers, and many of the difficulties which the Jansonists encountered must be met again in any attempt to apply the theories of modern socialism to practical life.

The author has attempted to give an impartial presentation of the important facts in the history of Jansonism. These facts have not been easy of access. No complete history of the Jansonists has been written, and a large part of their documents has been either accidentally or purposely destroyed. Hence, much of the information contained in this volume has needs been gathered from the lips of surviving members of the Bishop Hill Colony. In many instances the reports were of a conflicting nature, for the Jansonists are now split up into several religious parties, and each has its separate views to uphold. But care has been taken not to accept any statement unless supported by proper collateral evidence.

Another serious obstacle encountered was the unwillingness of the Jansonists to reveal any of the "absurdities" of their religion. The author stayed several weeks among them before he was able to discover the real historic meaning of Jansonism; and Charles Nordhoff, who devotes a few pages to them in his *Communitistic Societies of the United States*, is reported to have said, on leaving Bishop Hill, "D—— these people; I can't get anything out of them." The fact of it is that the Jansonists have outgrown their creed, and many of them are now ashamed of the views for which they were once

willing to sacrifice their all. Furthermore, they have been so frequently maligned and reviled that they can hardly be blamed for having grown suspicious of the motives of strangers.

In view of this, the author's thanks are due in a special sense to Mr. Jonas Olson, now in his eighty-eighth year, but remarkably well preserved, for the liberality with which he drew upon his memory for the facts connected with the inner history of the Jansonists. Jonas Olson stood near to the person of the founder of Jansonism, and, after the great leader's death, succeeded to his authority. It is not too much to say, therefore, that without Mr. Olson's invaluable assistance this monograph could not have been written. Recognition is due also to Mrs. S. J. Anderson, Messrs. John P. Chaiser, J. W. Olson, and others for valuable assistance. The author further acknowledges his indebtedness to Messrs. John Helsen and Andreas Berglund for the use of manuscripts and original documents relating to the history of the Jansonists. Mr. Berglund's collection of original documents contained a part of the correspondence and the incompleated autobiography of Eric Janson. Mr. Helsen's manuscript notes were especially valuable. Their author is not a literary man and his collection was not intended for publication. But for many years past, in the leisure of his retirement from active life, Mr. Helsen has been perfecting his notes for the use of "some future historian."

Through the kindness of an anonymous friend the author has also had access to a certified copy of the complete transactions of the Bishop Hill Colony, the original records being no longer in existence. Mention is made elsewhere of the printed books and documents which have any bearing on the history of the Jansonists.

It might appear strange that, in spite of its scientific and general interest, no adequate attempt has been made to present a complete history of Jansonism. But it must be remembered that the Jansonists were illiterate people, who,

even if they had desired to publish a history of themselves, were unequal to the task of writing one. Furthermore, the War of the Rebellion, which broke out at the time of the dissolution of the society, and other important events which followed in its wake, engrossed public attention to the exclusion of all other matters of less general importance. Still, the memory of the Bishop Hill Colony cannot die, for it is part of the pioneer history of a great and flourishing State, and is cherished in the hearts of the descendants of the Jansonists, who are to be found scattered throughout the length and the breadth of the United States.

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THE BISHOP HILL COLONY.

I.—DEVOTIONALISM IN HELSINGLAND FROM 1825 TO 1842.

The history of devotionalism in Helsingland from 1825 to 1842 revolves around the person of one man. Jonas Olson was born December 18, 1802, in Söderala Parish, in the province of Helsingland. The environments of his boyhood were not of a character to encourage the development of a religious disposition. His father, Olof Olson, a coarse and illiterate peasant, was an habitual drunkard, who when in his cups was in the habit of brutally maltreating wife and children. Nor was his mother a Monica to lead him to Christ, although she loved her son after a fashion, and encouraged him in his endeavors to obtain an education. For Jonas was a bright lad, and was not satisfied with knowing how to read the hymn-book and the catechism, but aspired to learning how to write and cipher, uncommon accomplishments among the peasantry at that time. It was in these unlawful aspirations that his mother encouraged her son, by procuring the necessary writing materials, which as soon as they were discovered by the angry father were ruthlessly destroyed, with the remark that such things were not intended for peasants' sons. At the age of fifteen, when he had been confirmed in the faith of the Established Lutheran Church, Jonas was compelled to shift for himself. For five years he served an uncle on the father's side as a farm-laborer. It was here, among the peasant-fishermen on the banks of the river Ljusne, near the Gulf of Bothnia, that he learned the art of preparing salmon for the market in Stockholm. For

two years he served an elder sister, and then, at the age of twenty-two, returned home to take charge of his father's estate, for the eldest son—there were three sons and two daughters—had, like his father, become incapacitated for work by strong drink. He found everything in a deplorable condition, but with the vigor of youth he set to work to repair the buildings and reclaim the waste land. In the summer-time, while employing common laborers to attend to the work in the fields, he himself bought large quantities of salmon, which he cured and disposed of to good advantage on the market in Stockholm; so that ere many years had passed it was rumored that Jonas Olson was one of the most prosperous men in the parish. The year 1825 was the epoch-making period of his life. If there was any one vice which the peasantry was addicted to more than another it was the vice of intemperance. But hand-in-hand with intemperance went general laxity of morals. The clergy was no better than the peasantry. The Rev. Mr. Sherdin never waived his privilege of dancing the first round with the bride at weddings, and drank as deep as any of his parishioners. The tithes of grain which the good pastor received he sold again to his flock in the form of distilled liquor. Moreover, it was known that at least one unfortunate girl had owned the associate pastor to be the father of her child. It was at a dance in the winter of 1825 that liquor was passed around in sacrilegious mockery of the Lord's Supper. The incident made a deep impression on Jonas Olson's mind. He became converted, and forthwith resolved to lead a new life. He renounced all worldly amusements and gave himself up to the quiet introspective life of a follower of Christ. He studied the Word of God assiduously, and read the devotional literature of the Lutheran Church, especially the works of Luther, Arndt, and Nohrborg. On his frequent visits to Stockholm he bought books and visited the public libraries, so that, for a peasant, he became an unusually well-read man. It was in Stockholm that he made the acquaintance of C. O. Rosenius, the

celebrated Swedish representative of Halleian pietism, and became a constant reader of the church paper edited by him. It was here, too, that he met George Scott, an English Methodist clergyman, who was established in the Swedish capital as chaplain to Samuel Owen, a wealthy English manufacturer. Scott was a man of ability and enthusiasm, and his influence was not limited to the employes of Samuel Owen. He preached in Stockholm from 1830 to 1842 with great success, and although he had had a predecessor in a certain Methodist clergyman by the name of Stewens, he may properly be considered as the founder of the Methodist Church in Sweden. In him Jonas Olson found a warm and sympathetic friend, with whom he had many extended conversations upon religious subjects. Jonas Olson, indeed, never openly embraced Methodism, but was greatly influenced by its teachings, and even accepted its cardinal doctrine of sanctification.

It was, however, especially in the matter of temperance reform that the two friends met on common ground. Under Scott's direction Jonas Olson began to organize temperance societies in his own and neighboring parishes. At first he met with considerable opposition. The clergy objected that Jesus at Canaan had not disdained to encourage the social practice of putting the wedding guests under the table. Jonas Olson's own pastor accused him of heinous designs upon his distillery. But the Crown soon lent its support to the movement, and then the clergy were everywhere among the first to sign the pledge.

But it was not only as an organizer of temperance societies that Jonas Olson found expression for his change of attitude towards religion. Immediately upon his conversion in 1825 he had begun to preach in the conventicles of the Devotionalists, who were just then beginning to appear in Söderala Parish, in the province of Helsingland. In 1826 he married his first wife. The marriage proved a happy one, although but of short duration. The death of his wife, after only a

year and a half of married life, caused him to throw himself with additional zeal into church work, and it was due to him that Devotionalism was carried to every quarter of the province of Helsingland.

The Devotionalists were pietists, using the word in the broader sense in which it is employed by Heppe and Ritschl. They did not form a separate sect. They were merely individuals who were dissatisfied with the absence of vital piety in the Established Church, and who wished to introduce a living Christianity by private preaching and by the superior piety of their lives. They were called Devotionalists, or Readers (*Läsare*), because they assembled in private houses to hold devotional meetings, and because they read their Bibles and books of devotion assiduously in their homes.

C. A. Cornelius says in his history of the Swedish Church, "If we consider European Christianity in its entirety, church work in the nineteenth century . . . has been characterized by an endeavor to repair the injury wrought by the century of the Illumination, and, if possible, to restore the old order of things."¹ It was this reactionary tendency which, in the Swedish Church, was represented by Devotionalism.

Devotionalism had this in common with other pietistic movements in the latter part of the eighteenth and the beginning of the nineteenth centuries, that it sought to purify the Church from within; that it supplemented the regular church service by conventicle worship; that it paid less attention to objective purity of doctrine than subjective piety; that, in its zeal for the simplicity and vital Christianity of the Apostolic Church, it condemned many forms of amusement and recreation in themselves entirely innocent.

The clergy in the Swedish Church not being so thoroughly and generally rationalized as in other Protestant countries, the conditions were not present for a popular religious oppo-

¹C. A. Cornelius. *Svenska Kyrkans Historia*. Upsala, 1875, 2d ed., pp. 251-2.

sition movement of national dimensions, and thus we find that Swedish pietism did not produce any great national leader after whom it might be named. It began to spread under local leaders in the latter part of the eighteenth century. Its stronghold was Norrland, one of the great political divisions of Sweden, of which Helsingland is a subdivision.

Economically, the province of Helsingland is well situated. It possesses rich iron mines, which yield a large annual produce. It also possesses linen and other manufactures. But the principal part of the population consists of independent peasants, who own their land in fee-simple. Helsingland is not cursed with the system of large landed estates which obtains farther south in Sweden, and consequently there are no *Törpare*, or cottagers, who eke out a precarious existence on small patches of land held in return for labor services rendered to the lord. The principal city is Gefle, built on a small inlet of the Gulf of Bothnia. It has a good harbor and is one of the best built towns in Sweden. Its population exceeds twenty thousand. The commerce is considerable. The exports consist of iron, timber, flax and linens. The imports are principally corn and salt. The population of Helsingland being chiefly agricultural, there are no important towns outside of Gefle. The peasants are frugal, thrifty and industrious. Their farms are small, but well kept and well cultivated, the staple produce being flax, rye and potatoes. The peasants place great pride in their neat red-painted farm-houses surrounded by patches of flowers and garden-truck. The roads are fine, and distances to market convenient.

In spite of material prosperity, however, the state of education and morals in the early part of the present century was low. Drunkenness was a common vice. Many could not read, and few indeed were those who could write. Yet in this they were no better nor no worse than the peasantry of other European countries at the time, for the day of modern public schools had not yet arrived. But with the advent of Devotionalism and temperance reform a radical

change took place. The people began to read and turned to habits of industry and sobriety.

It was the best part of the population which joined the Devotionalists, namely, the peasants and independent artisans. Some of the clergy, too, became interested and took part in the conventicles. But Jonas Olson continued to be the leader and the principal lay-member. He enjoyed the respect and the confidence of the entire community, representing it in a public capacity as juror to the district court. For seventeen years Jonas Olson and the Devotionalists of Helsingland assembled in conventicles and read their Bibles and books of devotion unmolested, enjoying their full privileges as members of the Established Church, when a new actor appeared upon the scene. This actor was Eric Janson.

II.—THE RISE OF JANSONISM.

Eric Janson¹ was born December 19, 1808, in Biskopskulla Parish, Uppland, and was the second son in a family of four sons and one daughter. His father, Johannes Mattson, was a poor man, who by thrift and industry succeeded in laying by enough means to become the owner of a small landed estate in Österunda Parish, Westmanland, where Eric spent the formative period of his youth. Eric Janson was a born religious leader. He was not a profound speculator, but was endowed with a rare gift of eloquence and an extraordinary power to control the actions of large bodies of men. Little is known of his youth, except that his education was meagre, consisting merely of the religious instruction required in a catechumen of the Established Church. While yet a mere boy he experienced the call of religion, but soon suffered a relapse, and there was nothing in his mode of life to distinguish him from the pleasure-loving youth of the social class to which he belonged.

¹ This surname is a modified form of Johannes, the baptismal name of Eric's father.

At the age of twenty-six he experienced a miraculous cure from an aggravated form of rheumatism. He had for some time been suffering intense pains, but, being a man of restless, active disposition, he could not be persuaded to treat himself as an invalid. One day, as he was plowing in the fields, an unusually severe attack came upon him, in which he fainted away. On regaining consciousness, he heard a voice saying: "It is writ that whatsoever ye shall ask in prayer, believing, ye shall receive; all things are possible to him that believeth. 'If ye shall ask anything in my name, I will do it,' saith the Lord." Eric Janson recognized in the voice a message from God, and, falling upon his knees, prayed long and fervently that his lack of faith might be forgiven him and that his health might be restored. On arising, his pains had disappeared, never to return.

From this time on his whole being was turned into religious channels. He was seized with an insatiable thirst after spiritual knowledge. He read all the books of a devotional character that were to be had, but, not finding in them the peace that he longed for, turned himself towards the Bible as the sole source of spiritual comfort. His own personal experience had taught him the efficacy of faith in prayer. To want of faith, then, he ascribed all the misery and suffering which he saw about him on every hand. This want of faith he attributed to the Established Church, which was concerned more with outward churchly ceremonies than with vital piety. From the subject of faith the transition of thought to the subject of sanctification was easy and natural. After prolonged study he came to the conclusion that the Lutheran doctrine of sanctification was wrong, holding that the faithful have no sin. He seems not, however, to have advocated these views in public before 1840, for, although acting as a lay-preacher among the Devotionalists of Österunda Parish, no suspicion attached to his orthodoxy previous to that year. But in 1840 he began to preach earnestly against the assumed abuse of the devotional literature, insisting that it distracted

attention from the Bible, which was the only true source of spiritual knowledge. It was not until several years later that he began to oppose in public the Lutheran doctrine of sanctification.

Up to the age of twenty-seven he remained with his parents, when, contrary to their will, he married a girl below his station. As a consequence he was thrown almost penniless upon his own resources. He rented a farm and undertook several small business ventures, in all of which he was successful, so that he was ultimately enabled to purchase the estate of Lötorp for 1000 rix-dollars, cash.

In 1842, having heard of the Devotionalists in Helsingland, he visited that province as a dealer in flour, in which capacity he traveled extensively in his own and neighboring parishes. In 1843, at the age of thirty-four, he made his second visit to Helsingland. In January of this year, while passing through Söderala Parish, he formed an acquaintance which proved to be of inestimable importance in the shaping of future events. Discovering by mere chance that Jonas Olson was a Devotionalist, he applied to him for lodging over night, and his request was hospitably granted. It was a Saturday night. The stranger appeared reserved, and had nothing to say on religious subjects. The following morning Olson's married sister came over to buy some flour. But the stranger answered, "Do you not know that to-day is the Sabbath? We will postpone business till to-morrow." The stranger accompanied the family to church. On the way home, contrary to the custom, he said not a word about the sermon. In the afternoon his host took him to a conventicle of the Devotionalists, where he was invited to speak. But he remained silent. On taking leave the following morning he said to his host, "I have had a restless night. The Lord hath imposed a duty upon me. I have struggled in prayer to avoid it, but cannot. Be a priest in your own house. I have been here a Saturday night and a Sunday night, and you have not assembled your household in prayer."

If Jonas Olson had been previously impressed by his guest's conduct, he was not any the less so now. The rebuke was accepted in humility, and from that time on Jonas Olson recognized in the stranger a man of God. He accompanied him to Hudiksval and Gefle, and everywhere introduced him to the conventicles of the Devotionalists. On account of the personal standing of his introducer, Eric Janson everywhere met with a favorable reception. Everywhere he was invited to speak, and he now no longer refused. The appreciativeness of his audiences spurred him on to his most eloquent efforts, and the evident results of his preaching convinced him that his mission as a revivalist lay in Helsingland.

In June of the same year he made his third visit to Helsingland. He was now in such demand that, like his great Master, he was obliged to travel by night and preach by day. His sermons frequently lasted from five to six hours. Many of the clergy visited his meetings, but as yet no objections were raised to his preaching. His fourth journey to Helsingland was made in the following autumn. He now decided to sell his estate in Westmanland and move to Helsingland. In the meantime, however, his father died, and he moved instead into the home thus left vacant. Here he remained till April, 1844, when he accomplished his original purpose and removed to Forsa in the north of Helsingland.

With the advent of Eric Janson to Helsingland in 1842 we may, roughly speaking, say that Jansonism begins. Eric Janson never had any large following in his own province of Westmanland, nor even in his own parish. Although, indeed, he made numerous converts outside of Helsingland, this province nevertheless remained the Jansonist stronghold. The reason is to be sought in the fact that the conditions in Helsingland were particularly favorable for the reception of his doctrine. To the Devotionalists of Helsingland there was nothing positively new in his teaching. The two points in which he disagreed with the Established Church were, firstly, with regard to the doctrine of sanctification; secondly,

with regard to the devotional literature. In the doctrine of sanctification he agreed with the Methodists, holding that the faithful have no sin. But, as we have seen, Jonas Olson had accepted this doctrine from George Scott, the English Methodist clergyman stationed in Stockholm. It is impossible to ascertain whether or not Eric Janson himself ever came under the personal influence of George Scott. Some of his followers assert that he did; others assert with equal positiveness that he did not. But be that as it may, in matters of faith he had much in common with John Wesley, and his style of preaching and method of delivery is said to have resembled very much that of the early Methodists. Nor was his rejection of the devotional literature new in Helsingland. In 1805, Eric Stålberg, of the parish of Piteå, had founded a sect of Separatists, which spread rapidly over the greater part of Norrland, including the province of Helsingland. One characteristic of this sect was that, with the exception of Luther's writings, it discouraged the use of devotional literature, saying that, at the best, human writings are full of error and only tend to distract the attention from the Word of God. Although Jonas Olson and the majority of the orthodox Devotionalists in Helsingland cannot be said to have shared this view previous to the advent of Eric Janson, they were nevertheless familiar with it.

Jansonism did not spring ready-made from the brain of its author. It was a gradual development, and the form which it ultimately assumed was largely determined by the attitude of the Established Church. Eric Janson did not at first display any separatistic tendencies. He merely preached against the rationalism and dead orthodoxy which were prevalent in the Swedish Church. He advocated a return to the simplicity and earnestness of primitive Christianity. He warned his followers to read the Word of God, and did not hesitate to punish in public the sins of prominent individuals. His preaching was of a pre-eminently nomistic character, and many even of those who thought they had found peace

in God saw the vanity of their lives. He traveled from parish to parish conducting revival meetings. The number of his adherents was soon estimated at from 1500 to 4000. The clergy became alarmed at the rapid growth of a strong religious sentiment over which they had no control and the import of which they did not understand. They regarded the Jansonists as a new sect holding doctrines that were subversive of the existing church organization. In order to regain their lost hold upon their congregations they denounced Janson from the pulpit, and appeared in the conventicles to warn their parishioners against the impostor and false prophet. They attempted to refute his heresies with regard to the devotional literature and the doctrine of sanctification. But Janson was gifted with a matchless power of debate, besides being well versed in the Scriptures, and whenever it came to a battle of words was almost certain to come off victorious. The Jansonists were refused admittance to the Lord's Supper. Eric Janson retaliated by saying that there could be no faith without persecution; that there was no saving power in the sermon of an unconverted minister; and forbade his followers to worship in the Established Church, holding his conventicles at the time of the regular church service. This was the beginning of his estrangement from the Established Church.

As the influence of Janson increased, so also the number and hostility of his enemies. His followers were subjected to the abuse and insult of the rabble. Their meetings were disturbed, their houses pelted with stones, and their persons assaulted. But they praised the Lord who tried their faith by allowing them to be persecuted. They marched along the public highways at night and sang spiritual hymns, or gathered in front of the parsonages to pray for the conversion of their unregenerate pastors. When their conventicles were prohibited they assembled in the woods and in out of the way places to partake of the Holy Communion. Faint rumors of these midnight gatherings came to the church authorities, and

the spectre of a new peasant insurrection stalked abroad. Eric Janson was regarded as a second Thomas Münzer. He was charged with all sorts of atrocious crimes. A large number of his followers were women. Women frequently accompanied him on his missionary journeys. With one of these, by the name of Sophia Schön, he was particularly accused of sustaining improper relations. One night she was surprised in her home by the pastor of Österunda Parish, who had come with a number of his henchmen to find Eric Janson. Eric Janson was, of course, not to be found; but Sophia Schön was dragged from her bed and brought, dressed only in her linen, to the sheriff's bailiff.

In June, 1844, an event took place which gave the opponents of the new heresy an opportunity of adopting severe legal measures. Already since 1840 Eric Janson had witnessed against the assumed abuse of the devotional literature. The human writings of Luther, Arndt, Scriver, Nohrborg had usurped the place of the Bible. These new idols had stolen away the hearts of the people. They must be destroyed.

The burning of the books took place June 11. A great concourse of people from the country around assembled on a farm near the town of Tranberg. An immense bonfire was made of books, pamphlets, tracts—everything except the Bible, the hymn-book and catechism. Amidst the singing of hymns and great spiritual exaltation the assemblage watched the destruction of the “Harlot of Babylon.”

The embers of the fire had hardly died out before the news was spread in every quarter of Sweden. People were horrified. Two days later, Janson was arrested by the Crown officials and brought before the sheriff's court in Gefle. After a preliminary trial he was transferred to the sheriff's court in Westerås, under whose jurisdiction he properly belonged. Here his mental condition was examined into by a medical expert, while a court chaplain examined into his spiritual. He was finally released to await a new trial, but was not allowed to return to Helsingland.

In the meantime, delegations of his adherents had visited the king, and had been promised a hearing of their grievances before the proper authorities. Upon his release Janson himself sought admission to the king, and was so graciously received that he wrote back to his friends, "I have triumphed at court." In September, 1844, he was summoned to appear before court in Westerås. In his defense he stated that the Church had abused its trust; that it had fallen from the true faith; that its servants were mere worldlings; that he was sent by God to restore the faith and show sinners the way of salvation. He was released and allowed a pass to his home in Forsa, in Helsingland.

In the meantime, the ardor of his adherents in Helsingland had not abated. Jansonism was being preached in every quarter. The reappearance of the leader gave a new impetus to the movement. His enemies had not been able to do him any injury. The king and the highest secular authorities in the realm were his sympathizers. It was only the hierarchy of the Established Church that sought his destruction. But full amnesty might soon be expected, the abominable machinations of the Church would be thwarted, the dawn of religious freedom was not far distant. So thought his simple-minded followers. His journey through Helsingland was one continued ovation. Everywhere the people flocked to the conventicles. Those who were left in doubt by his preaching were converted by the magnetic touch of his hand. In some parishes the churches remained almost empty.

October 28, 1844, the second crusade against religious books took place—this time in Söderåla Parish—and now not even the hymn-book and the catechism were spared. Janson was immediately arrested. But there was reason to be cautious. He was again released to await a new trial. Hardly had he been released before he was rearrested and condemned to a short imprisonment for holding revival meetings. December 18 he was summoned before the House of Bishops in Upsala. His case was not decided.

It would be neither profitable nor interesting to rehearse the legal chicanery and petty persecution with which his life was embittered, and by which he was egged on, as it were, to abandon all Lutheran traditions and assume a position of open hostility to the Established Church. Through the zeal of the inferior clergy he was arrested six times, being three times released by royal orders; twice he was admitted to the king; he was transferred from one court to another; but, it is claimed, never received a thorough and impartial investigation.

His followers were subjected to the same sort of treatment. The ancient and obsolete law against conventicles, adopted in 1726 against Halleian pietists and other heretics, was revived in all its severity. Jonas Olson and his younger brother, Olof Olson, were made to pay heavy fines for participating in the destruction of the religious books and for holding conventicles. They also were summoned before the House of Bishops in Upsala to answer for their religious opinions.

Finally, a price was put upon Eric Janson's head. He was hunted from place to place, leading a life as adventurous as even that of the sweet singer of Brandenburg in the seventeenth century. On being captured, his friends feared that he would never be released, and conspired to effect his escape. Some of them, under color of violence, took him away from the Crown official, as he was being conveyed from Gefle to Westerås, and brought him over the mountains into Norway. From there he went to Copenhagen, where, in the company of a few friends, he embarked for New York. In July, 1846, he arrived in Victoria, Knox County, Illinois, whither he had been preceded by Olof Olson.

III.—EMIGRATION OF THE JANSONISTS AND THE FOUNDING OF THE BISHOP HILL COLONY.

While hiding in the mountain fastnesses of Söderala and Alfta, Eric Janson had planned the emigration of his followers

from Sweden, and the founding in America of a socialistic theocratic community, for he had by this time abandoned all hopes of obtaining in Sweden religious liberty, either for himself or for his followers. Impelled from one point to another by the spirit of opposition, he had now developed an independent system of theology, directly antagonistic to the authority of the Established Church. Without incurring the displeasure of the Church, he had begun his reformatory activity by opposing the use of the devotional literature. Then he had opposed the Lutheran doctrine of sanctification. For this, himself and his adherents had been excluded from participation in the Lord's Supper, whereupon he had dealt out the Lord's Supper with his own hands. Meeting with legal prosecution at the hands of the inferior clergy, he had rejected the authority of the Established Church altogether, and proclaimed himself as the representative of Christ, sent to restore the true Christian Church, which had disappeared from the face of the earth with the introduction of established state churches.

The central idea of Jansonism in this final stage of its development may be summed up as follows: When persecution ceased under Constantine the Great and Christianity became the state religion, Christianity became extinct. Eric Janson was sent to restore Christianity. He represented the second coming of Christ. Christ revealed himself through him, and should continue to do the same through the seed of his body. The second advent of Christ was to be more glorious than the first. "As the splendor of the second temple at Jerusalem far exceeded that of the first, erected by the son of David, so also the glory of the work which is to be accomplished by Eric Janson, standing in Christ's stead, shall far exceed that of the work accomplished by Jesus and his Apostles."¹ Eric Janson was to separate the children of God from the world and gather them into a theocratic community. In America he was to build up the New Jerusalem,

¹ Cateches. Af Eric Janson. Söderhamn, 1846, p. 80.

from whence the Gospel should go forth to all the world. The New Jerusalem should quickly extend its boundaries until it embraced all the nations of the earth. Then should the millennium be ushered in, in which Eric Janson, or the heirs of his body, should, as the representatives of Christ, reign to the end of all time.

In 1845 he had sent Olof Olson to America to examine the country and fix upon a suitable location for the community. This was before the modern Swedish emigration to the New World. America was a name almost unknown to the peasants of Helsingland. But in 1843 an adventurous Swede from the parish of Alfta had wandered as far west as Chicago. He had written home glowing accounts of the country. His letters had been circulated among friends and acquaintances, and their contents had inspired the persecuted Jansonists with a new hope. In America there was no established church; there were no inquisitorial and tyrannous priests, no supercilious aristocracy; there was a home for every one, and, above all, religious and political liberty. The Jansonists possessed a strong love of home and country, but the exile which they had formerly feared under the conventicle laws no longer appeared so terrible.

In New York, Olof Olson made the acquaintance of the Rev. Mr. Hedström, who is known as the founder of the Swedish Methodist Church in America. Hedström was stationed as a missionary among the Scandinavian seamen in New York. He held his services in a dismantled vessel, a part of which was fitted up for the reception of Olof Olson's family, consisting of his wife and two children, who remained there during the winter of 1845-6. Under the influence of Hedström, Olof Olson joined the Methodist communion, and presently proceeded on his way to Victoria, Knox County, Illinois, where he was hospitably received by Hedström's brother. After a prospecting tour of Illinois, Wisconsin and Minnesota, Olof Olson wrote back to Sweden confirming previous favorable reports of the country, and

recommending Illinois as the future place of settlement. In July of 1846 he was joined by Eric Janson, and together they fixed upon a point in Henry County as the location of the settlement. Olof Olson, however, never joined the community, but purchased a farm near Victoria, where he died shortly after the arrival of the main body of the Jansonists.

Before leaving Sweden, Eric Janson had appointed certain trustworthy men to conduct the emigration. Chief among these were Jonas Olson, Olof Johnson, Andreas Berglund, and Olof Stenberg, all of whom were to play an important part in the later history of the Jansonists.

While the orthodox Devotionalists in Helsingland consisted chiefly of independent farmers and artisans, the Jansonists included in their number a large proportion of miners and factory hands, and poor people of every description, for Jansonism was, in the true sense of the word, a popular religious movement. Many of the Jansonists were therefore persons who were unable to defray the expenses of a long journey. It was this fact which prompted Eric Janson to make community of goods a part of the social economy of the New Jerusalem. He based his reasons for the adoption of communism entirely on scriptural grounds. Neither he nor his followers knew any other form of communism than that based on religion. The Jansonists were unacquainted with the philosophical systems of the great social reformers of France. The politico-economic questions that were agitating the proletariat in the great world without had left them undisturbed. They were illiterate people. Their reading was limited to one book, but in that book they found that the first Christian church had taken care of its poor and that material goods had been held in common. So the wealthy sold their property, real as well as personal, and the proceeds went to the common coffers to be added to the widow's mite. The sums which were thus contributed ranged from 24,000 crowns downward, and were paid over to the men in charge of the emigration.

When the time for the emigration arrived it was found that 1100 Jansonists were willing to abandon their homes for the sake of religion. It was impossible to secure passage at one and the same time for so many people, for the Swedish vessels which touched at American ports were limited in number and were merely freight vessels without accommodations for passengers. So the emigrants were dispatched in parties as opportunity offered. The vessels were small, rooming only from fifty to one hundred and fifty passengers apiece. Many of them were unseaworthy, and not unfrequently they were overloaded. One was lost at sea, another was shipwrecked off the coast of Newfoundland, and still another occupied five months in the voyage.

The emigrants gathered in Göteborg, Söderhamn and Stockholm, but by far the greatest number sailed from Gefle. The first vessel to set sail from Gefle left in the summer of 1846. For weeks previous to the departure of the vessel vehicles of every description came trundling into the seaboard town of Gefle. From a distance of over a hundred miles pedestrians came in travel-stained and foot-sore. A feverish excitement reigned. No one wanted to be left behind, for the Jansonists believed that when they should stand out to sea Sweden would be destroyed for the iniquity of the Established Church. It was a sad parting. Families were torn asunder, children left their parents, husbands left their wives, the mother left her infant in the cradle. It was the flower of the youth that went, principally young men and women between the ages of twenty-five and thirty-five. Their friends never expected to hear of them again. It was feared that they would be taken by pirates, or that the captains of their vessels would sell them into slavery, or bring them to the terrible "island" of Siberia where the Czar of Russia sends all his desperate criminals. In American waters, too, there were frightful sea-monsters, more ferocious and destructive than even the Midgard serpent. And if America was the home of freedom and a country of fabulous wealth, it was

also the resort of cut-throats and assassins and full of tropical abnormities.

Everything was ready for the departure when, at the very last moment, the passports were withheld by the authorities. However, a delegation of the Jansonists, headed by Jonas Olson, waited upon King Oscar I., who gave them an order for the necessary papers.

The first shipload of passengers was met in New York by Eric Janson, who had proceeded from Victoria to meet them. From Troy the emigrants went by canal to Buffalo, thence by way of the Great Lakes to Chicago. In Chicago they purchased horses and wagons for the conveyance of the invalids and the baggage. The able-bodied walked on foot one hundred miles across the unbroken prairie to Victoria, where the party arrived in July, 1846. A few days later the Jansonists removed to Red Oak Grove, about three miles west of the present Bishop Hill, where for two hundred and fifty dollars their leader had purchased an improved eighty-acre farm in section nine of Weller Township. August 2 one hundred and sixty acres of land in section eight of the same township were purchased for \$1100. This was a very desirable piece of property, containing not only cultivated fields, but also a log-cabin and outhouses.

It now remained to choose a suitable town-site. The southeast quarter of section fourteen, township fourteen, was finally decided upon, and purchased of the United States government, September 26, for \$200. It was a beautiful spot, sparsely covered with a small growth of oak trees, and located on the south bank of the South Edward Creek. On the same day two additional quarters were purchased in sections twenty-three and twenty-four of the same township for \$400.

Anticipating the arrival of the second party of immigrants, two log-houses and four large tents were erected, all of which were in readiness when Jonas Olson arrived with his party on the 28th of October. Simultaneously with the setting in

of cold weather, when the tents had to be vacated, a new party arrived. Several log cabins were hastily put together, and a large sod house erected, which latter served as a common kitchen and dining-hall. Twelve "dug-outs," about twenty-five or thirty feet long and eighteen feet wide, were also built. In these dug-outs two tiers of beds were placed along each wall, and each bed held two or more occupants. In one dug-out there were three tiers of beds and three occupants in each bed, fifty-two unmarried women performing their toilets there morning and evening. The mud caves were damp and unwholesome, and the mortality was frightful. Nearly every morning a fresh corpse would be pulled out from the reeking death-traps. Before the snow fell a fourth party of immigrants had arrived, and four hundred persons wintered in the settlement, of whom seventy were stationed at Red Oak Grove.

One of the first concerns of the Jansonists was to provide a place of worship. Already before the arrival of the second party a large tabernacle had been erected. It was built in the form of a cross and was able to room about a thousand persons. The material consisted of logs and canvas, and the whole structure was intended merely as a temporary makeshift. Divine worship was held here twice a day on week days and three times on Sundays. Eric Janson himself went the rounds of the camp at five o'clock in the morning to call the people to devotion. Half an hour later the services began, and frequently lasted for two hours. The second devotional meeting was held in the evening. When spring arrived, however, and the work in the fields began, the morning and evening devotions were substituted by a short meeting during the noon recess, and in favorable weather this was frequently conducted in the open air.

The Jansonists were illiterate people, but they held progressive views with regard to elementary education. Already the first winter, at such times when the weather prevented out-door work, a school for adults was carried on

in the tabernacle by Mrs. Hebbe and, later, Mr. Hellström, who both instructed in the advanced arts of writing and ciphering. A similar school for adults was established at Red Oak. As early as January, 1847, an English school was opened. A Presbyterian clergyman, the Rev. Mr. Talbot, taught some thirty-five children in a mud-cave from January to July. At times he was assisted by his two daughters and by Mrs. Pollock, who was a member of the community. Mr. Talbot was succeeded by Nelson Simons, M. D.

Measures were also taken for the propaganda of faith. Eric Janson appointed twelve young men to be the apostles of Jansonism in the New World. Great expectations were centered in these twelve young men. After a few months' instruction in the English language, they were sent out upon their mission to convert the United States and the world. They met with but moderate success, however, for the Yankee was too busy inventing bad clocks and peddling cheap tinware to listen to what the missionaries had to say.

The community experienced great difficulty in securing sufficient food. After the expenses of the journey and the purchase of so much land, the funds of the society were well nigh exhausted, and credit they had none. The grain had to be hauled twenty-eight miles to the nearest mill to be ground. But the mill was constantly under repairs and could not be relied upon. After attempting to supply their wants by means of hand-mills, the society erected a small grist-mill on the Edwards Creek, which, when the water failed, was run by horse-power.

In the spring of 1847 the community began to manufacture adobe. Several houses were built of this material, some of which remained standing until 1862. The ravine which intersected the town-site contained chalkstone in abundance, and the preparation of it into cement was taught the Jansonists by Philip Mauk. The first frame building was also erected in 1847, the lumber being hauled from Red Oak

Grove, where a sawmill, run by horse-power, had been put up by the society. As the needs of the society increased, this mill was later on bartered away for a larger one run by water-power. May 4, 1848, the society purchased of Cramer and Wilsie forty acres of land for \$1500. This land was excellent timber land, and contained a sawmill more than large enough to supply all the wants of the society.

While the Jansonists had been employed in these building operations they had not neglected agriculture. The land at Red Oak Grove had been put under cultivation, and pieces of land had been rented here and there, for which they were obliged to pay one-third of the gross produce. During the first year the Jansonists broke three hundred and fifty acres of land and laid three and a half miles of sod fence. In the autumn of the year their threshing was done by Mr. Broderick, whose machine they purchased, only to make it serve as a model for a larger and more improved machine of their own make.

November 18, one hundred acres of land in section seventeen, Weller Township, were purchased of W. H. Griffins for three hundred and eighty dollars.

June 4, 1847, the fifth party of Jansonists arrived. The party contained, besides children, four hundred adults. This accretion to the community required the purchase of more land. Before the close of the year the following purchases had been made: eighty acres in section seventeen, two hundred and forty acres in section sixteen, thirty-nine acres belonging to Mr. Broderick, besides other property.

In January of the following year an old-fashioned wind grist-mill was erected, the mill on the Edwards Creek proving inadequate to meet the increasing demands made upon it.

With the arrival of the new party a great scarcity of dwelling room arose. Five new mud-caves were excavated for the people, while similar provisions were made for the horses and cattle. Nevertheless the Jansonists suffered intensely. The winter was a severe one. The dug-outs were

damp and unwholesome and fearfully crowded. The ravine into which they faced was alternately swept by fierce wind storms or choked up with snow. There was lack of provisions, and the Jansonists suffered from hunger as well as from cold. The change of climate also produced suffering. Fevers, chills and diarrhœa were common, and many succumbed. The hardships were more than many members of the community had the resolution to bear, and they left singly and in squads as their lack of faith and pressing wants seemed to require. The seeds of internal discord, too, were sown, for religious differences arose which resulted in the withdrawal of about two hundred members in the autumn of 1848. The majority, however, remained steadfast. Their courage was cheered by the matchless eloquence of their leader, and their unshakable faith in him helped them to surmount all difficulties.

In the summer of 1848 the Jansonists began to manufacture kiln-dried brick, the kilns being located about one mile west of the settlement. A four-story brick house one hundred by forty-five feet was erected, which, in 1851, was extended one hundred feet. The basement was arranged into a common dining-hall and kitchen, whereas the upper stories were divided into dwelling apartments. At the same time, several frame tenement houses and some additional houses of adobe were erected. In this year also the Old Colony Church, a large frame edifice, the upper part of which was designed to serve as a church, while the basement was arranged into tenements, was begun and completed in the following year, the tabernacle having been previously destroyed by fire.

With improved dwellings came improved health. Even those who had to remain in the mud-caves were better off, because they were no longer so crowded, and they found, in the summer-time at least, plenty of exercise in the open air. For there were no drones in this hive. The incentive to work, which one should suppose had been removed with the

removal of individual property, was supplied by religion. They were no longer working for their own advancement, but for the glory of God. Had He not led them, as He had led the people of Israel, to a new Canaan? They were His chosen people. In them His wonderful designs for the regeneration of the world were to be fulfilled. Their city was the refuge of the faithful; it was the New Jerusalem. So they reclaimed the prairie and subdued the forest to further the kingdom of God. Their labor was not in vain. The earth gave forth bountifully of its harvests and prosperity attended upon them.

Their methods of agriculture were laborious, but as their means improved, and as they learned the ways of the country of their adoption, they became as expert as any in the use of improved machinery. In the autumn of 1847 they harvested their grain in the Swedish fashion with the scythe. In 1848 they introduced cradles, and, in 1849, reapers. In order to secure the harvest of 1848 thirty cradle-scythes were kept going day and night, until it was discovered that the night work endangered the health, when eighteen hours were made to constitute a day's work. The young men wielded the cradles—and wonderful feats were performed with the cradle in those days—while the middle-aged men and the women bound the sheaves; boys and girls gathered the sheaves together, while the old men placed them in shocks. In the evening, when the day's work was done and the harvesters were retiring from the field, an interesting spectacle presented itself to the observer. Two by two, in a long procession a couple of hundred strong, the harvesters wended their homeward way, first the men carrying their cradle-scythes over their shoulders, then the women with their hand-rakes, and, finally, the children, all-singing some merry harvest-song of their native country, while keeping step to the music. On arriving at the village they repaired to the common dining hall, where a bounteous repast awaited them on long wooden tables, some of which were set aside for the men, others for the women, and still others for the children.

Another important industry of the community was the cultivation of flax. This was the staple industry in the province of Helsingland, and the Jansonists were thoroughly familiar with every branch of it. Already the first year they put part of their fields under cultivation for flax. They also helped the neighboring farmers, who cultivated the plant merely for the sake of the seed, to harvest their crops, and received the straw in payment for their work. From the crop of 1847 they manufactured 12,473 yards of linen and carpet matting, for all of which they found a ready sale. The volume of manufacture continued to increase till 1851, when it reached 30,579 yards of linen and carpeting. After this it decreased till 1857, when it ceased altogether, except for home consumption, the new railroad enabling the eastern manufacturers to flood the market with their wares and drive out competition. The aggregate amount of linen sold to 1857 was 130,309 yards and of carpeting 22,569 yards. To this must be added the no inconsiderable quantities consumed at home in order to arrive at the total amount of manufacture. The spinning and weaving were done exclusively by women, children of both sexes assisting at spooling and other light work. In the early years when looms were scarce the weavers were divided into squads and the looms kept running night and day.

The sixth party of immigrants arrived in 1849, and consisted of Swedish and Norwegian converts under the leadership of the Jansonist missionary Nylund. Between La Salle and Chicago the party was attacked by the Asiatic cholera. Arrived in Chicago in a pitiable condition, the party was met by a member of the community, who conducted it to Bishop Hill. Thus the dread disease was transplanted to the society, and, breaking out on the 22d day of July, raged without intermission till the middle of September. It carried away one hundred and forty-three persons in the prime of life. The excessive mortality was due partly to improper treatment, the fever-parched patients being, according to the

old medical superstition, not allowed to touch water. Some of the Jansonists removed to the neighborhood of La Grange, where the community possessed some real property, but, finding themselves still pursued by the fell destroyer, fled in vain to an island in the Mississippi, where Eric Janson's wife and one child were among the victims.

In 1850 another party arrived under the leadership of Olof Stenberg, who was returning from a business visit to Sweden. Stenberg's party was attacked by the Asiatic cholera between Buffalo and Milwaukee. The party consisted of one hundred and sixty persons. On account of stress of weather and a breakage in the machinery, the voyage by steamer occupied no less than two weeks. The provisions gave out and the passengers suffered famine as well as disease. Many were buried in the waters of Lake Michigan, and many died in the lazaretto at Milwaukee. The leader has been accused of criminal negligence with regard to the performance of certain duties, but on the evidence of surviving members of his party the charge is without foundation.

Later in the same year still another party arrived; it consisted of eighty persons. The tenth party consisted of seventy persons and arrived in 1854. Besides these larger accretions, converts joined the society singly and in groups, and continued to do so up to a late date.

It was now a little over three years since the village of Bishop Hill had sprung into existence. It took its being eleven years after the first white man's habitation had been erected in the country which came to be organized as Henry County, and nine years after that organization had taken place. Previous to it there existed, besides some others, the infant settlements of Andover, Geneseo, Wethersfield, and La Grange, the products of a strange mixture of New England philanthropy and speculation. But from the very day of its foundation, Bishop Hill assumed the chief place among the settlements in Henry County. From 1846 to 1850, in the purchase of land and the necessities of life, it put between

\$10,000 and \$15,000 in gold into circulation, which was a matter of extreme importance at a time when business was principally conducted by barter, and when the only money in use was paper money valued at a few cents on the dollar. In 1850 its population had swelled to over one thousand, while the entire population of the county, an area of eight hundred and thirty square miles, was only three thousand, eight hundred and seven. If the labor value of an immigrant may be capitalized at ten hundred dollars, then the Jansonists had in their persons alone brought one million dollars into the country. Nearly every province in Sweden was represented in the community at Bishop Hill, and the Jansonists' letters home concerning the new country paved the way for that mighty tide of Swedish immigration which in a few years began to roll in upon Illinois and the Northwest, and which in 1882 culminated in a grand total for the year of 64,607 souls. For nine successive years, from 1878 to 1886, there arrived annually from the native land of the Jansonists more immigrants than from France or Italy or Austria or Russia, or any country save only Great Britain and Germany.

But while the Norns were weaving the fabric of history, the Jansonists were building their village and improving the resources of the wilderness. In 1850 they owned in fee simple or possessed an equitable interest in about fourteen hundred acres of land, which were partially under cultivation for wheat, flax and corn, and partly set aside for the pasturage of large herds of horses and cattle. The village of Bishop Hill, named after *Biskopskulla*, the birthplace of Eric Janson, consisted of several large brick houses, all of which, with the exception of one, were of adobe, a number of log and frame buildings, and seventeen dug-outs, together with storehouses, barns and outhouses of every description. It contained at least the nuclei of a store, a blacksmith shop, and all the other appurtenances of a modern Western city. At the head of the community—at the head of the

industrial army of one thousand busy workmen—was one supreme director. Eric Janson was the temporal as well as spiritual ruler. He appointed the superintendents of departments and the foremen of gangs. Nothing was undertaken without his sanction. He represented the community in business on the markets in Chicago and St. Louis. Property was bought and sold in his name or in the name of agents appointed by him. The society was, indeed, still struggling with poverty and debt, but the primary conditions of prosperity were nevertheless manifestly present.

IV.—THE ADVENTURER JOHN ROOT AND THE MURDER OF ERIC JANSON.

In the autumn of 1848 there arrived in Bishop Hill an adventurer by the name of John Root. He was the son of well-to-do parents in Stockholm, and a man of education, refinement of manners and pleasing address. For some unknown reason he had emigrated from Sweden. As a soldier in the United States army he had taken part in the Mexican campaign. After receiving his discharge at the close of the war he found his way to Bishop Hill. He was received with open arms by Eric Janson and the society, and was presently admitted as a member. He soon fell in love with a cousin of Eric Janson and applied to him for her hand in marriage. The request was granted, it being stipulated, however, that if Root should ever wish to leave the society, it was to be optional with his wife whether to accompany him or not. A written document to this effect was drawn up and duly signed by the contracting parties. It soon became apparent that the new member was not fitted for a religious communistic society. He was opposed to serious labor, and spent his time in the chase, with his gun on his shoulder and his bowie-knife in his belt. But tiring even of this employment, he sought new adventures as interpreter and guide to a Hebrew peddler. The Jew was never heard of

again ; but a few years after the decomposed body of a murdered man was discovered under the floor of a deserted cabin some miles from Bishop Hill. After an absence of several months, during which time his wife gave birth to a child, John Root returned. Very soon he proposed to his wife that they leave the society, to which she strenuously objected. Eric Janson supported Mrs. Root in her determination to remain, which exasperated Root to such an extent that he threatened the lives of both Mrs. Root and Eric Janson. Perceiving that he could neither persuade nor frighten his wife into submission, he determined to carry her away by force. Obtaining the aid of a young man by the name of Stanley, he drove into Bishop Hill one day while the members of the community were at dinner, and, rushing into his wife's apartment, caught her up in his arms and carried her to the vehicle in waiting. The alarm was given, however, and the fugitives were hotly pursued. Two miles from the village they were overtaken by a dozen sturdy Jansonists on horseback and compelled to halt. The rescuers explained that if Mrs. Root wished to leave the community she was at liberty to do so ; but if she desired to remain they proposed to take her back, by force, if need be. Meanwhile Root and Stanley, being both armed, kept the rescuing party at bay. But at this juncture Mrs. Root, who, together with her child, had been placed in the bottom of the wagon, made a desperate effort to release herself. In the struggle to prevent her from so doing, Root laid his revolver on the seat behind him, where it was immediately snatched by one of the rescuing party. Stanley promptly surrendered, and Mrs. Root was brought back to the village in triumph. Thwarted in his purpose of forcible abduction, Root had recourse to the law, and swore out a warrant for the arrest of Eric Janson and others, on the charge of restraining the liberty of his wife. Mrs. Root was subpœnaed as a witness. The officer who was charged with the execution of the summons insisted upon her accompanying him at once. He took her

to Cambridge, where she was illegally confined in a room and denied communication with her friends. Here Root got possession of his wife a second time, and spirited her away to the Rock River settlement. Thence he took her to Davenport, and finally to Chicago, where he had a sister living. The sister, disapproving of Root's conduct, communicated with the Jansonists at Bishop Hill, and Eric Janson sent a delegation to Chicago to offer Mrs. Root safe-conduct to the community. A place was designated where at a given time she might meet her friends. Knowing the desperate character of Root and anticipating a hot pursuit, men had been stationed with relays of horses at intervals along the road from Chicago to Bishop Hill, and the distance of one hundred and fifty miles was accomplished without a single stop.

When Root found that his wife had escaped, his rage knew no bounds. Baffled in his attempt to overtake her, he proceeded to the Rock River settlement, whence he returned to Bishop Hill, at the head of a mob. The mob terrorized the village for a few days, but finding neither Mrs. Root nor the principal agents in her abduction, presently dispersed. This was in the latter part of March, 1850. In the following week, on the evening of April 1, Root returned at the head of a second mob, angrier and more formidable than the first. A veteran of the Mexican war had been robbed of his wife, who was held in duress by a set of communists, for what vile purpose no one knew. It was only six years since the hateful Mormons had been expelled and their city and temple well-nigh razed to the ground; what was to hinder that this new Nauvoo should likewise be wiped off from the face of the earth? The rough, but justice-loving frontiersmen poured into the encampment at Buck Grove, half a mile from Bishop Hill, until the mob grew to the proportions of an army. The village was surrounded and communication with the outside world shut off. For three days the Regulators hesitated to begin the work of destruction. Janson was hid in an artificial cave out on the prairie, Olson was absent on

business in Andover—all the principal participants in the affair between Root and his wife had been spirited away. When the attempt was finally made to burn the village, the mob was met by an armed posse of the neighboring settlers, who had come to the relief of the community. The mob, seeing that it would have to encounter a desperate resistance, allowed itself to be persuaded of the innocent character of the society, and dispersed without having done any serious injury.

During these critical times the Jansonists bore themselves with fortitude, as befitted a religious people. Indeed, splendid displays of heroism were not wanting. Thus, Nils Hellbom committed an act of deliberate and premeditated bravery which might easily have cost him his life. The story of it is told as follows: "The mob had surreptitiously introduced a tall Indian into the woods. It is the Indian custom to remove the hair together with the scalp from an enemy's head, thus suffering him to die a lingering death in great pain. The Indian in question had been secretly instructed to destroy Jonas Olson in this manner, for Jonas Olson had been the chief agent in assisting Root's wife to escape. Nils Hellbom, who is a fearless boatswain, large and strong, weight two hundred and twenty-five pounds, hearing of this, dressed himself in a Swedish sheepskin greatcoat, having the woolly side out, so that only his rolling eyeballs were visible. Then going out to where the Indian was, edged up to him and said in Swedish, 'What do you want? Do you want my scalp, too?'" The Indian's ignorance of the Swedish language alone prevented the shedding of blood.

While the mob was raging at Bishop Hill, Eric Janson had succeeded in making good his escape to St. Louis, being accompanied by his wife, Mrs. John Root and others. In St. Louis he remained until all danger was past, when he returned to Bishop Hill. His trial was to come off at the May term of the Henry County Circuit Court in Cambridge. He seems to have had a presentiment that he should never

return from that trial. In the last sermon that he preached in Bishop Hill he told his followers that he should die a martyr to religion. It was the most powerful sermon that he had ever preached. Strong men wept and the community was full of evil foreboding. The last public act of his life was to distribute the Lord's Supper, and in so doing he repeated these words of the Holy Writ, "I will not drink henceforth of this fruit of the vine, until that day when I drink it new in my father's kingdom." On Monday morning, Mr. Maskel, an employe of the community, called at Janson's dwelling-place with a horse and buggy to take him to Cambridge. On coming down the steps Janson said, "Well, Mr. Maskel, will you stop the bullet for me to-day?"—which the latter cheerfully agreed to do. It was the 13th day of May, 1850. The court had adjourned for the noon recess. Janson was standing by a window in the court-room, while his counsel was sitting at a table engaged in writing. Suddenly John Root appeared in the doorway, calling Eric Janson by name. As Janson turned round, his eye met the gleam of a pistol-barrel, and a bullet struck him full in the heart; as he fell, a second bullet grazed his shoulder. It is impossible now to ascertain the further particulars of the murder. Root's friends maintain that he and Janson had been conversing through the open window, and that Janson had uttered some insulting remark which exasperated Root; while Janson's friends claim that the two men had not spoken to each other that day, but that Root came directly from a target practice in which he had been engaged the greater part of the forenoon.

When Eric Janson was brought home a corpse who can describe the consternation? The representative of Christ, sent to rebuild the city of God, dead! His work was but just begun! It was beyond human comprehension. But the ways of God are wonderful. Might he not recall his servant to life? Men and women wept, and waited for the resurrection which did not come. All work, except of a merely

perfunctory nature, ceased. The industrial army was demoralized, the leader was gone. Then it was that a woman stepped forward and called new life into the community.

Eric Janson's second wife was a remarkable woman. Left an orphan at an early age, she was adopted by a well-to-do family in Göteborg, who brought her with them to New York at the age of fifteen. Her first husband was a sailor, who went out to sea and never returned. Her second husband gave her an education, and she, in return, assisted him as teacher in a private school, of which he was the principal. As Mrs. Pollock, she became acquainted with Olaf Olson in 1845, through her pastor, the Rev. Mr. Hedström. When the main body of the Jansonists arrived in 1848 she met for the first time Eric Janson, who had come to receive them. She became converted, and followed the Jansonists to Bishop Hill, for Janson preached that there was no salvation outside the New Jerusalem. Her husband, who loved her as he did his life, went with her and tried to persuade her to return. But for the sake of her soul she dared not, and her husband died of a broken heart in Victoria. Mrs. Pollock lost her reason over her husband's death, but shortly recovered. Marrying again, she became Mrs. Gabrielson. Gabrielson died of the cholera, leaving one son, who grew to be a young man. During a large part of her stay in the community she had taught in the community's school, and her knowledge of English had frequently been of service to the Jansonists. She was still an exceedingly handsome woman, composed and dignified in speech and deportment. Having in the meantime become a widower, Eric Janson took her to wife. As Mrs. Janson she superintended the work of the women, and, moreover, acted as her husband's secretary. She had been married but a few months at the time of Janson's death, but nevertheless she knew more about the affairs of the community than any other person in it. So, the rightful heir to Janson's authority, namely, his son by his first wife, being but a mere boy, Mrs. Janson took the reins of government into her own hands.

But among the Jansonists women were not allowed to speak in public. Andreas Berglund was therefore appointed to be the nominal guardian of Eric Janson's son. In spiritual matters his authority was absolute, but in matters pertaining to business no important step was taken without the knowledge and consent of Mrs. Janson.

For three days Janson's body lay in state. On the day of the funeral the Old Colony Church was crowded to suffocation. Janson had gained many friends outside the community among those with whom he had had business relations. Strangers, too, there were who came to satisfy a wanton curiosity. The services were opened with song and prayer. Then Mrs. Janson stepped forward, and, in the presence of the congregation, placed her hand upon Berglund's bowed head, creating him guardian of the heir to the leadership of God's chosen people until such time when the boy should have reached the age of majority. After the funeral sermon, which was preached by Andreas Berglund, an oration in the English language, together with several other addresses, the body was escorted to the community's burying-ground. There was no muffled music, no display of shining uniforms, no pomp of funeral trappings. The body was laid to rest in a plain wooden coffin, and a plain wooden slab marked the grave of Eric Janson, the prophet, the representative of Christ.

The death of Eric Janson may be said to have occurred at an opportune moment. He was at the height of his power. In obedience to his word, eleven hundred people had abandoned their homes in a prosperous country, to found new ones in an American wilderness. They had given up their property, had braved unknown dangers and suffered untold hardships. His power over them was extraordinary. In the terrible days of the cholera, when any of their number were stricken with the dread disease, they sought his blessing, "Go, die in peace," and, contented, dragged themselves away to their fate. But his work was accomplished. It was his to call the community into existence in spite of seemingly in-

surmountable difficulties ; but he did not possess the administrative ability to lead it along the quiet paths of industry to economic success. As it was, he died under heroic circumstances and while the memory of his achievements was still fresh in the minds of friends and foes alike.

In person Eric Janson was tall and angular, while his face was disfigured by a deep scar across the forehead and by the abnormal prominence of his upper incisor teeth. But these defects were lost sight of in the charm of his private conversation and in the eloquence of his public address. He was a man of large social affections and, where religion did not interfere with the dictates of nature, of quick and ready sympathies. He was a man of splendid parts, and had his mind been less untrained he might possibly have become the pride and admiration of his native country, instead of ending his life before an assassin's bullet as an exile in a strange land.

V.—JONAS OLSON AND THE INCORPORATION OF THE BISHOP HILL COLONY.

When the murder of Eric Janson took place in the courtroom in Cambridge, Jonas Olson was on his way to California. Being an indifferent man of business, Eric Janson had, by injudicious management, involved the community in serious financial difficulties. It was at the time when the California gold discoveries were filling the world with wonder. Their fame penetrated even to the quiet little village of Bishop Hill, and Eric Janson was carried away by the prospect of wealth easily acquired. For the immediate purpose of obtaining relief from the financial pressure resting upon the community, he dispatched, March 18, 1850, Jonas Olson with a party of eight men to California in quest of gold.

Jonas Olson was then a man past the meridian of life. He possessed no faith in the mission upon which he was sent ; but although he had pleaded hard with Eric Janson to be allowed to remain at home, he was, nevertheless, obliged to

go, for he was considered the man best fitted for the undertaking, and, moreover, his life was threatened at home by John Root, for his connection with the affair between the latter and his wife. After passing through innumerable hardships, as a result of which one of their number died soon after reaching California, the gold-seekers arrived in Hanktown on the eleventh day of August, 1850. Here the news reached them of Eric Janson's death. Jonas Olson did not hesitate what course of action to adopt. Next to Eric Janson he had been the principal member of the community. Among the Devotionalists in Helsingland, from whose ranks the great majority of the Jansonist converts were gained, he had been the recognized leader previous to the coming of Eric Janson. During the troublous times of religious persecution his extensive knowledge of men and affairs had more than once rescued the sinking cause of Jansonism. After the flight of their leader he had been the chief agent in effecting the emigration of the Jansonists. Now his gifts and attainments, which latter were not inconsiderable in a peasant, would once more be of service. In this conviction he immediately set out upon his return to Bishop Hill, taking with him a couple of his companions, leaving the rest to follow at their leisure. He arrived in Bishop Hill on the 8th of February, 1851.

Jonas Olson found the community under the control of Mrs. Janson and Andreas Berglund, who acted as the guardians of Eric Janson's son. During Eric Janson's lifetime no one had ventured to dispute the hereditary character of his office as spiritual and temporal leader of the community. The office was so described in the accepted doctrinal books, namely, in the hymn-book and catechism, both of which were composed by Eric Janson. During the storm and stress period of the Jansonist movement, when a strong and masterful hand was needed to bring matters to a successful issue, it is altogether probable that the question of who was to succeed Eric Janson in office had not occupied the serious attention of

his followers. Every one had, as a matter of fact, submitted to the absolute authority which he assumed. On the one hand, his personality was such as to admit of no mediocre opposition. On the other, his adherents' attitude of mind predisposed them to accept any claims which he might make either for himself or for his family. He was regarded as the representative of Christ. His decisions were considered infallible, for the divine will was thought to be disclosed to him by special revelation. Upon his death, however, circumstances were greatly altered. There was very little of the dignity of divinely sanctioned authority attaching to the childish prattle before the congregation of the future official mouthpiece of God. The evil results of Janson's infallible business policy were beginning fully to manifest themselves. The guardians of Janson's son could not claim infallibility of judgment, and many of the community were dissatisfied to be governed by a woman. A respectable minority of the community, while admitting Eric Janson's other claims, were not disposed to recognize those in behalf of his heir. It was this growing sentiment of dissatisfaction which Jonas Olson voiced, when, shortly after his arrival, he denounced Andreas Berglund as a usurper and demanded his abdication. He held that Eric Janson's had been a special commission, and hence the extraordinary powers and authority incident thereto could not be inheritable. The community should not, he said, recognize any formal leader whatever, but each individual member should serve the whole according to the measure of his ability and in that capacity for which he was best fitted by nature and training. Jonas Olson's standing in the community added weight to his words, and ere long the democratic element which he represented prevailed. The movement also gained strength from the operation of another circumstance. The affairs of the community were in such a condition that a strong and able man was needed to conduct it through the impending crisis. Jonas Olson was such a man, and the community instinctively looked to him for

guidance. Thus it happened that, although no formal election or transfer of power took place, the leadership quickly passed from the guardians of Eric Janson's son into the hands of Jonas Olson. With his advent into power the claims of the family of Janson retreat into the background, until upon the adoption of the charter in 1853 they practically disappear.

At the time of Janson's death the debt of the community was eight thousand dollars, which had been contracted principally in the purchase of unnecessary lands. In the summer of 1850, horses, cattle, wagons, even the crops were levied upon to satisfy the demands of the creditors. In the autumn of the year, however, the society received from various sources an accession of about eight or ten thousand dollars. A part of this money was expended in completing the brick steam flour mill, which had been begun in 1849 under the direction of Eric Janson. Soon, also, the community was able to make other improvements. An addition of one hundred feet was made to the large four-story brick tenement house. A commodious brick brewery, with a capacity of ten barrels a day, was erected for the preparation of small beer, the community's favorite beverage. Orchards were planted, and an attempt was made to raise broom-corn, which attempt succeeded so well that a contract was made to furnish a Peoria dealer with a large quantity at the remunerative price of fifty dollars a ton. The manufacture of brooms was also begun, which henceforth became a staple industry.

Under Jonas Olson's skilful management the circumstances of the community underwent a rapid and permanent improvement. But as the real and other property of the society increased, the disadvantages of not having a legal organization became apparent. It was necessary to hold property in the names of individual members, but in case of bad faith on the part of the natural heirs, complications concerning the succession might, upon the death of such members, arise in the probate courts. Hence, for the better conservation of its proprietary interests, the society decided to apply to the

State Legislature for a charter. Accordingly, on January 17, 1853, by an act of Legislature, a corporation was created, to be known as the Bishop Hill Colony.

The charter provided for a board of seven trustees, who were to hold office for life or during good behavior, but who were liable to be removed for good reasons by a majority of the male members of the colony. Vacancies in the office of trustee were to be filled in such manner as should be provided for in the by-laws. The powers of the trustees were of a most comprehensive character, enabling them generally to promote and carry out the objects and interests of the corporation, and to transact any business consistent with the benefit, support and profit of the members of the same. The business of the corporation should be manufacturing, milling, all kinds of mechanical business, agriculture, and merchandising. Furthermore, the colony might pass such by-laws concerning the government and management of its property and business, the admission, withdrawal, and expulsion of members, and the regulation of its internal policy, as it might deem proper, not inconsistent with the constitution and laws of the State.

The by-laws were adopted May 6, 1854. According to these, any person sustaining a good moral character might become a member by transferring the absolute ownership of his property to the board of trustees and subscribing to the by-laws. The trustees were empowered to decide upon the moral fitness of candidates. They might, however, in their discretion, refer the question to a vote of the adult male members. On withdrawal of membership, or expulsion from the society, a person was entitled to no compensation whatever, either for the loss of property or for time spent in the service of the community. The trustees might, however, in special cases make such recompense as they should deem proper. Any person guilty of disturbing the peace and harmony of the community, or of preaching and disseminating religious doctrines contrary to those of the Bible, might be expelled. It

was to be the duty of the trustees to direct the various industrial pursuits, and generally to superintend the affairs of the community, either in person or through such agents and foremen as they might see fit to appoint. Annually, on the second Monday of January, a meeting of the adult male members was to take place for the general transaction of business. At this meeting the trustees were required to make a full and complete report of the financial condition and affairs of the society for the year ending on the Saturday next previous. Special meetings might be called by the trustees whenever the interests of the society required it. Special meetings could also be called by a majority of the adult male members, provided they signified their request to the trustees in writing five days in advance. Vacancies in the board of trustees were to be filled at an election held specially for the purpose, the person receiving the highest number of votes being elected. These by-laws might be revised, altered or amended at any regular or called meeting, by a majority of the votes cast.¹

The adoption of the charter was a complete abandonment of the principle of hereditary leadership. It took the temporal as well as the spiritual authority out of the hands of a single individual and vested it in a board of seven trustees. In so far, the democratic movement inaugurated by Jonas Olson had found a logical conclusion. However, the popularization of the form of government was more apparent than real. According to the provisions of the by-laws, the trustees were empowered not only to regulate and direct the business and various industrial pursuits of the community, but also to decide upon the fitness of applicants for membership, as well as upon the equity of compensating retiring members. The trustees were not obliged to await the instructions of the community—only one general business meeting annually was provided for—but had the right of initiative in matters of the gravest as well as of the most trivial importance. Finally, the community had practically no check upon the trustees,

¹ For text of charter and by-laws see Appendix.

for they held office for life or during "good behavior," and could not be ousted before, either through criminality or gross incompetence, some serious injury had already been done.

The circumstances under which the instruments of incorporation were adopted are suggestive. The demand for the charter did not spring from the people. The majority of the community did not know what the charter meant, except that in some way it would protect their interests in court. They were told that the community would continue to be governed, not by human laws, but by the Word of God. They had no voice in the election of the trustees. The board of trustees was already made up when the petition to the Legislature asking for a charter was presented to the members of the community for their signatures. Indeed, the members were originally requested to affix their signatures, not to the petition itself, but to a blank sheet of paper, and it was only when a certain wrong-headed individual demanded to see the petition that it was given to the people for inspection at all.

On the other hand, there is no reason to suppose that the self-appointed trustees were conscious of arrogating to themselves undue powers. The Jansonists were unaccustomed to self-government. Their leaders hardly looked upon themselves as servants of the people, but rather as authoritative interpreters of the will of God. The seven trustees in question were all persons who had been appointed to positions of trust under Eric Janson, and who therefore considered that they had a perfect right to any formal recognition of the powers which they already virtually enjoyed. In reality the distribution of authority remained very much the same as it had been before. Jonas Olson continued to be the leading spirit also in the board of trustees, and his influence was sufficient to make or mar the success of any project.

VI.—SOCIAL, ECONOMIC, AND RELIGIOUS LIFE UNDER THE CHARTER.

Under the improved business methods made possible by the charter, the material progress of the community was rapid and permanent. The indications of prosperity became visible on all sides, especially in the improved condition of the village, which had hitherto been built without regard to any definite plan either of convenience or of beauty. The site of the village was an elevation overlooking the surrounding country, but the beauty of the spot was marred by an unsightly ravine which intersected it from north to south. During a whole summer the trustees kept men and teams at work to remove this objectionable feature, and a park was planted where the ravine had been. The new brick houses, nearly all of which were several stories in height, were erected around this park and made looking into it. When the village was completed it contained twelve brick houses, the largest of which was two hundred by four hundred and forty-five feet, and four stories in height, besides six substantial frame buildings.

The buildings were almost entirely the product of home industry. When a new building was contemplated, invitations were extended by the trustees to the members of the community to hand in plans and specifications. The bricks were burned in the society's own kilns. The lumber, a great deal of which was oak and black walnut, was sawed in the society's saw-mill, most of the iron work was forged in the society's smithy. The masonry was executed under the supervision of August Bandholtz, a German mason, who fell in love with a blue-eyed Jansonist and married into the community.

There were no fences or outhouses to break up the symmetry of the village. The streets were lined with shade trees and were kept scrupulously clean. The stables and enormous cattle-sheds were in an enclosure by themselves at some distance from the village. The village contained a

general store and post-office, a smithy, a brewery, a bakery, a weaving establishment, a dye-house, and a hotel, together with wagon, furniture, harness, tailor and shoemaker shops. Besides, there were a hospital, a laundry, bath-houses, mills and manufactories. The store and post-office employed two clerks. The tailor shop employed six men and three women; the shoemaker shop, six men; the smithy, ten men; the wagon shop, six men. The smithy boasted seven forges, while the wagon shop was extensively known throughout the country for the excellent character of its work. The weaving establishment contained twelve reels and twelve hand-loom; besides which one hundred and forty spinning-wheels were distributed privately among the women of the community. The broom shop employed three men and nine women and turned out thirty dozen of brooms a day.

But, nevertheless, agriculture was the principal pursuit of the community—so much so that, in the busy seasons, work in the shop and in the manufactory was allowed to come almost to a standstill. Men, women, and children over fourteen years of age, worked side by side in the fields. Nobody who was able to work remained unemployed. The main farm was at Bishop Hill, but besides there were eight sub-farms, where gangs of workmen relieved each other at fixed intervals. A great deal of the unskilled labor was performed by women, for they constituted about two-thirds of the community, and the men were greatly needed in the trades. Unmarried women worked in the brick-kilns and assisted in the building operations, pitching the bricks, two at a time, from one story to another, instead of carrying them in hods. The milking was done wholly by women. Four women cared for the calves, four had charge of the hogs, and two worked in the dairy, where butter was made in an immense churn run by horse-power. Cheese was manufactured on a similarly extensive scale. There were eight laundresses, two dyers, four bakers and two brewers.

A visitor to the community in 1853 writes as follows:

"We had occasion this year to visit the colony and were received with great kindness and hospitality. Everything, seemingly, was on the top of prosperity. The people lived in large, substantial brick houses. We had never before seen so large a farm, nor one so well cultivated. One of the trustees took us to an adjacent hill, from which we had a view of the Colony's cultivated fields, stretching away for miles. In one place we noticed fifty young men, with the same number of horses and plows, cultivating a cornfield where every furrow was two miles in length. . . . In another place was a field of a thousand acres in broom-corn, the product of which, when baled, was to be delivered at Peoria for shipment to consignees in Boston, and was expected to yield an income of fifty thousand dollars. All the live stock was exceptionally fine and apparently given the best of care. There was a stable of more than one hundred horses, the equals to which it would be hard to find. One morning I was brought to an enclosure on the prairie where the cows were being milked. There must have been at least two hundred of them, and the milkmaids numbered forty or fifty. There was a large wagon, in which an immense tub was suspended, and in this tub each girl, ascending by means of a step-ladder, emptied her pail. The whole process was over in half an hour. On Sunday I attended service. There was singing and praying, and the sermon, by one of the leaders, contained nothing that a member of any Christian denomination might not hear in his own church. Altogether I retain the most agreeable remembrance of this visit."¹

The common dining-halls and kitchen were located in a large brick building at the northwest corner of the public square. The dining-halls were two in number, one for the men and women and one for the children. The women ate at two long tables, while one table was set aside for the men.

John Swainson, in his article on the Colony of Bishop Hill in the January number of *Scandinavia*, 1885.

The tables were covered with linen table-cloths, which were changed three times a week. The table service was neat, durable and substantial. Twelve waitresses served at the tables, while eighteen persons were employed in the kitchen as cooks or in other capacities. Soup was boiled in a monster kettle holding from forty to fifty gallons, and everything in the unitary cuisine was arranged on a similarly magnificent scale. The food was wholesome and substantial. No luxuries were indulged in; pastry of every description was banished, except on the great church holidays and on the Fourth of July. The abundance which prevailed was quite a contrast from the poverty of early days, when the community had been frequently obliged to observe fast-days for want of food, and when only one meal had been forthcoming on Sundays. A beef and several hogs were butchered each week. Mush and pure milk were extensively used. The bread was made of pumpkin meal and wheat flour. The beverage consisted of coffee and small beer. Nothing was allowed to go to waste, and it was estimated that the cost of board per person was about three cents a day.

Clothing was correspondingly cheap, for the society manufactured its own linen, flannel, jean and dress goods. The women cut and sewed their own clothes, while the men's suits were made at the society's tailor shop. The society dressed its own leather and made its own shoes. Every person received each year two suits of clothes, together with one pair of boots and one of shoes. On work-days the women wore blue drilling, but on holidays they appeared in calico and gingham. The men dressed either in jeans or in woolen stuffs, and wore their hair long. The society adopted no fixed styles, but nevertheless a certain uniformity of dress prevailed.

With regard to the institution of the family, its relations, at first, remained intact. Whole families occupied one-room tenements. Single persons dwelt together in separate quarters according to sex. With the exception of the modifications

imposed by the unitary cuisine, the home-life of the Jansonists differed in nowise materially from that of their neighbors under the individualistic system. But a change also in this respect was impending.

Of the twelve apostles appointed by Eric Janson to convert the world, Nils Heden alone had met with any degree of success. Besides making a number of converts, he visited several of the principal religious communistic settlements in the United States. From Hopedale, N. Y., he persuaded twenty-five or thirty persons to join the Bishop Hill Colony. He also established friendly relations with the Oneida Perfectionists of New York and the Rappists of Pennsylvania. In 1854 he made a journey to Pleasant Hill, Kentucky, which was destined to have important consequences.

The Shakers taught the Jansonists the advantages of raising small fruit, and instructed them in improved methods of dyeing wool. From Pleasant Hill also the Jansonists got improved breeds of cattle. A number of the Jansonists accepted Shakerism and went to live at Pleasant Hill, among them being the widow of Eric Janson.

On his visit in 1854, Nils Heden allowed himself to be converted to the doctrine of celibacy. Returning to Bishop Hill he won the support of Jonas Olson, who straightway proceeded to ingraft the new doctrine upon the Jansonist creed. The practice of celibacy was somewhat difficult of enforcement. Some of the members of the community objected strenuously, but they were dealt with according to article 3 of the by-laws, which provided that any person guilty of preaching and disseminating religious doctrines contrary to those of the Bible might be expelled. Thus, after a number of voluntary resignations and forcible expulsions, the opposition was broken and submission secured.

After the introduction of celibacy the families continued to live together as heretofore, only that married persons were enjoined to practice restraint in the conjugal relations, and new marriages were, of course, prohibited. Under such

circumstances celibacy could not be strictly enforced, and remained a constant source of irritation, becoming eventually a potent factor in hastening the dissolution of the community.

The Jansonists placed great value upon elementary education. Ever since the winter of 1847-8 the community had kept an English day-school, employing usually a native American as principal, and appointing one or more of its own members as assistant teachers. At one time, as stated above, the society was joined by a number of American communistic families from Hopedale, N. Y., among whom were several persons competent to teach. These families did not remain long, however, and the society was again compelled to resort to outside help.

At first the school was conducted in mud-caves or any vacant room, but later a fine brick school-house, with accommodations for several hundred pupils, was erected. The average attendance was about one hundred, the school age being limited to fourteen years. The number of school months in the year was six. Swedish was not taught in the school, and the only knowledge which the children obtained of the language was through their parents. On the whole, the Jansonists evinced a commendable zeal in acquiring and adopting the language and customs of the country. Thus, for instance, the records of the Bishop Hill Colony were kept in the English as well as in the Swedish language.

When the school days were over there were no means of continuing the studies. With the exception of the Bible, the Jansonists had destroyed all their books before leaving Sweden. Newspapers were not allowed. So there was no reading matter to be had except the Bible, the Jansonist hymn-book and catechism, and the well-worn school-books. Individuals sometimes happened upon other reading matter. Strangers stopping at the hotel occasionally left newspapers and books, which were surreptitiously circulated among the youthful members of the community. Among those who in this manner kept alive their appetite for knowledge were men since famous in letters and politics.

The church organization was loose. There was no regularly ordained clergy. Any one with the gift of expression might preach. But the general management of ecclesiastical affairs was intrusted to Jonas Olson, assisted by Olof Stenberg, Andreas Berglund, Nils Heden and Olof Aasberg. Under Jonas Olson's leadership the religious tendency was, in some respects, one of conservative retrogression. He modified some of the excesses of the Jansonist theology in a Devotionalistic direction, abolishing the Jansonist catechism altogether and thoroughly revising the hymn-book in 1857.

Thus, it will be seen, community life at Bishop Hill had its lights and its shadows. Which predominated it is impossible at this distance to say. In order to judge correctly, one must be able to comprehend the dominant motives of action. These were of a religious nature. They decided the complexion of the social and economic life. But they did not determine the intrinsic merits or demerits of the communistic system. All reasonable material wants, at any rate, were abundantly satisfied. No one was obliged to overtax his strength. Each one was put to the work for which he was best adapted. The aged and the infirm were cared for. The children were educated. Everybody was secure in the knowledge that, whatever befall, his subsistence was a certainty. On the whole, the members of the community enjoyed a greater amount of comfort and security against want than the struggling pioneer settlers by whom they were surrounded.

VII.—DISASTROUS FINANCIAL SPECULATIONS, INTERNAL DISSENSIONS, AND DISSOLUTION OF THE SOCIETY.

One of the grandest elements in the early development of the State of Illinois was the Illinois and Michigan Canal, connecting the Illinois and Mississippi rivers with the Great Lakes. The canal was recommended by Governor Bond in his first message to the State Legislature. In 1821 an

appropriation of ten thousand dollars was made for the purpose of surveying the route. The estimated cost of the canal was from \$600,000 to \$700,000. The actual cost was \$8,000,000.

Pending the construction of the canal, speculation in land broke out in 1834 and 1835. From Chicago the disease spread over the State. In 1834 and 1837 it seized upon the State Legislature, which forthwith enacted a system of internal improvements without parallel in grandeur of conception. It ordered the construction of 1300 miles of railway, although the population of the State was not 400,000. The railroad projects were surpassed by the schemes for the building of canals and the improvement of rivers. There were few counties that were not touched by railroad, river or canal, and those that were not were to be compensated by the free distribution among them of \$200,000. The work was to commence simultaneously upon all river crossings, and at both ends of all railroads and rivers. The appropriations were \$12,000,000, commissioners being appointed to borrow money on the credit of the State.

About this time the State Bank was loaning its funds freely to Godfrey, Gilman & Co., and other houses, for the purpose of diverting trade from St. Louis to Alton. These houses failed and took down the bank with them. In 1840 the State was loaded with a debt of \$14,000,000. There was not a dollar in the treasury, credit was gone, and the good money in circulation was not sufficient to pay the interest for a single year.

But in 1848 the Illinois and Michigan Canal was finally completed, and began turning into the treasury an annual net sum of \$111,000. The industries of the State revived, and the projects for the internal development of the country were again brought forward, with the difference, however, that they were now supported by private instead of public enterprise.

In 1854 the managers of the Chicago, Burlington and

Quincy Railroad proposed to run their line into Bishop Hill. But the Jansonists, apprehensive of the probable effects of the intrusion, objected, and the railroad instead went through Galva, five miles distant. This did not prevent the Jansonists from entering upon a \$37,000 contract with the company to grade a portion of the roadbed.

The manner in which Galva was founded is so illustrative of the origin of most Western towns and of the practices of railway corporations in general, that the following quotation from Kett's History of Henry County is inserted in full: "The idea of building a town upon this site was first entertained in 1853. While Messrs. J. M. & Wm. L. Wiley were traveling from Peoria County to Rock Island in the spring of that year, they were attracted by the beauty of the surrounding country, and halted their team on the ground that now forms College Park, across which the old trail led. Standing in their buggy and looking out upon the scene, one of them remarked to the other, 'Let us buy the land and lay out a town!' At this time there were only two or three buildings to be seen from that point, and the country around was one vast sea of prairie, over which the deer were still roaming at will. The land was shortly purchased by them, and after negotiating with the C. B. & Q. Railroad Company a full year, they finally secured the location of a depot upon their purchase by donating the land now owned and occupied by the company in the center of the town. In the fall of the year succeeding its purchase (1854), and about the time that the arrangement with the railroad company was effected, the town was laid out in its present shape by the gentlemen mentioned. The cars commenced running in December of the same year."¹

On account of its location on the railroad, Galva could not fail to become an object of interest to the Bishop Hill Colony. The community purchased fifty town lots, and lent its money

¹ History of Henry County, published by H. J. Kett & Co., Chicago, pp. 168-9.

and influence towards building up the place. The station was named after the populous seaboard town of Gefle in the province of Helsingland, Sweden, although the name was soon corrupted to Galva. The Jansonists built the first house and dug the first well. Before the close of 1855 the society had erected a hotel, a general store, and a large brick warehouse, the material for which was hauled from Bishop Hill.

The Bishop Hill Colony was represented in these business enterprises by Olof Johnson, a member of the Board of Trustees. Olof Johnson was originally a peasant from Söderala Parish, So. Helsingland. He was one of the leaders appointed by Eric Janson to conduct the Jansonist emigration. Later he had been sent by Eric Janson on a business trip to Sweden. Upon the adoption of the charter he was as a matter of course given a position as trustee. When Galva became the business headquarters of Bishop Hill he was appointed by the trustees to represent them in that place. As the business in Galva increased in volume and importance it was natural that the business in Bishop Hill should also fall under his control. In so far as his plans met with Jonas Olson's approval he dictated the business policy of the community. The two supplemented each other, Jonas Olson managing the internal affairs of the community, while Olof Johnson managed its external affairs. Olof Johnson made Galva his headquarters, but otherwise spent much of his time in New York, Philadelphia, Boston, Chicago, St. Louis, New Orleans, Mobile, and other points where the community transacted business. He was of a hearty, social disposition, and was a universal favorite wherever he went. He was not educated, being unable even to keep his own accounts, but possessed, it was thought, great natural talent for business.

The society was now excellently organized for the purposes of economic production. The several departments of industry were under the charge of superintendents who were responsible to the Board of Trustees. Under the superintendents

were the foremen of gangs of workmen. According to a later arrangement the trustees were expected to meet every Monday evening for the consideration of the affairs of the community, and on the first Monday of every month any member might consult with the trustees on matters of general importance.

The first report of the trustees was made on January 21, 1855. According to this report the society owned 8028 acres of land, improved and unimproved, fifty town lots in Galva, improved and unimproved, valued at ten thousand dollars, also ten shares in the Central Military Track Railroad valued at one thousand dollars, together with five hundred and eighty-six head of cattle, one hundred and nine horses and mules, one thousand hogs, and divers poultry, unthreshed wheat, flax, broom-corn, etc. Furthermore, the community possessed other property to the value of \$37,471.02. The entire debt amounted to only \$18,000. Some idea of the effectiveness of the industrial organization may be obtained from the fact that the subsequent reports show an average annual increase in personal property alone of \$44,042.96.

Meanwhile Olof Johnson was developing a brilliant, if not altogether sound business policy. He managed to make his influence paramount in the Board of Trustees, obtaining control over four of the seven votes. This made him to a certain extent independent of Jonas Olson's dictation, although the latter could by his influence with the people have prevented any scheme distasteful to him from being realized. The very fact that Jonas Olson did not choose to exercise this influence, even when he disagreed most with Olof Johnson, makes him morally responsible for the latter's disastrous financial mistakes.

Olof Johnson's idea was to make the community rich by employing its resources to build up manufactories and establish a large general business. Jonas Olson's policy, on the other hand, was distinctively an agricultural policy. At first Olof Johnson was eminently successful. Prices went

up during the Crimean war. Wheat went up from thirty-five cents to one dollar and fifty cents a bushel. Broom-corn rose from fifty dollars to a hundred and fifty dollars a ton. Oats and Indian corn advanced correspondingly. The steam flour mill at Bishop Hill was kept running night and day, turning out a hundred barrels of flour every twenty-four hours. Olof Johnson erected at Galva a pork-packing establishment and an elevator for the storage of grain. He operated a coal mine, dealt in stocks and bonds, and purchased real estate, holding at one time one hundred and sixty acres of land within the present limits of Chicago. In 1856, together with Robert C. Schenk, sometime U. S. Minister to England, and other prominent men, he planned the construction of the Western Air Line Railroad, which was to run from Fort Wayne, Indiana, through to Iowa. He made a five million dollar contract with the company to grade the roadbed from Indiana to the Mississippi, accepting one million dollars in bonds as part payment. In the same year he entered into the banking business, becoming secretary of the Nebraska Western Exchange Bank in Galva.

But after the Crimean war came the financial crisis of 1857. Illinois lost two hundred and fifty banks at one fell swoop. One of the first to go was the classic Bank of Oxford, located in the hazel-brush near Bishop Hill, and the Nebraska Western Exchange Bank soon followed. The Western Air Line Railroad shared the fate of the banks, and left the Jansonists a worthless debt of thirty-four thousand dollars for actual work performed.

The inevitable reaction against the management of the trustees set in. The people began to accuse them, and especially Olof Johnson, of transcending their powers and squandering the property of the community. The most wonderful stories were circulated concerning the extravagance of Olof Johnson. He was reported to have gambled away, in New York, a fortune in a single night. In Chicago he was said to have bribed the police with fabulous sums when

they broke in upon his midnight orgies. In St. Louis, so it was rumored, he bought a steamboat to amuse his friends for a single night, and in New Orleans, in company of Southern slave-owners, he was claimed to have lit his imported cigars with bank-notes, boasting of his white slaves in Bishop Hill who needed no bloodhounds or whipping-posts to keep them to their task.

Following the flush times preceding 1857 came a complete or partial standstill in nearly all lines of industry. The members of the community were no longer deceived and quieted by a great show of business. The disaffection which was brewing took form in 1857 in an attempt to secure the repeal of the charter. The attempt was frustrated by the judicious expenditure on the part of Olof Johnson of six thousand dollars in Springfield. But in 1858 and 1859 resolutions were passed at the annual meeting looking to the control of the actions of the Board of Trustees by the society.

On January 9, 1860, the treasurer of the community read the following annual statement of the Board of Trustees :

ASSETS.

Farm lands.....	\$414,824 00
Galva real estate.....	33,228 47
Buildings and improvements.....	129,508 61
Horses and mules.....	21,520 00
Cattle account.....	17,088 00
Hog account.....	1,700 00
Sheep account.....	1,400 00
Poultry.....	50 00
Implements, farming.....	5,965 00
Furniture and movables.....	11,610 14
Steam mills	1,454 70
Boarding-house utensils.....	3,096 40
Mechanical department.....	9,092 88
Produce.....	4,616 00
Merchandise.....	4,775 60

County bonds.....	\$56,000 00
Railroad stock.....	21,765 78
Western Exchange Bank stock.....	9,500 00
Bills receivable.....	46,144 45
Due from N. A. L. R. R. Co.....	33,826 91
Due from the estate of Radcliffe.....	3,907 48
Due from Stark County.....	6,000 00
Personal account.....	8,521 91
Cash.....	581 25
	<hr/>
	\$846,277 58

LIABILITIES.

Bills payable	74,014 56
Personal account.....	1,630 78
Balance.....	770,631 94
	<hr/>
	\$846,277 58
Balance stock on hand.....	\$770,630 94

The accuracy of this statement was questioned and a committee was appointed to make a thorough examination of the community's books, the trustees asking for a delay of three weeks, which was granted.

Pending the examination of the books, special meetings were held by the members of the community, at which a new set of by-laws, calculated to restrict the powers of the trustees, was adopted. The preamble explains sufficiently the temper of the by-laws: "Whereas, the members of the Bishop Hill Colony have each one carefully considered and reflected upon the situation and condition of the general affairs of the Colony and the intention of its organization; and, Whereas, the general conviction has been acknowledged and expressed that the design and end for which this Colony was established never can be obtained under the present system of management; and, Whereas, the necessity requires and demands a change and reform in conducting and managing the affairs and

property of the Colony: Therefore, to effect this just and needful change, the Bishop Hill Colony has this day adopted the following by-laws."

The principal provisions of the new by-laws were as follows: The trustees might not buy or sell real estate, nor make contracts and debts binding upon the community, without the latter's express permission. The trustees were to be guided in other matters by the general instructions of the community. The general business meetings were to be held monthly instead of annually. The main office of the trustees should be in Bishop Hill and not in Galva. In case of withdrawal, members were to be entitled to fixed compensation for the property and labor which they had contributed to the society.¹ The trustees, however, refused to acknowledge the legality of the meetings in which the by-laws had been adopted. As they persistently declined to appear in the monthly meetings, or to render any account whatever of their management, a resolution was passed, in which they were declared to have forfeited the confidence of the community and were requested to hand in their resignations. The resolution failed of its object.

In October, 1860, Olof Johnson, as the principal offender, was formally deposed from office. But he secured an injunction against the Bishop Hill Colony, and had himself, together with certain of his friends, appointed receivers to wind up the affairs of the corporation. For on February 14, 1860, a plan had been agreed upon looking to the dissolution of the society and the allotment in severalty of the communal property. This plan provided for a preliminary extra-legal division of property between the Olson and the Johnson parties, the former receiving two hundred and sixty-five shares out of a total of four hundred and fifteen. By being appointed a receiver for the Bishop Hill Colony, Olof Johnson got control, not only of the shares belonging to his own, but also of those belonging to the opposite party.

¹ For complete text see Appendix.

On May 24, 1861, in order to prevent any inconveniences which might arise from the infringement of legal technicalities and to facilitate the final individualization of the property, Olof Johnson was not only reinstated as a trustee, but was also invested with powers of attorney to settle with the creditors of the community. Property more than sufficient to extinguish all claims against the society was set aside for that purpose, and the trustees were given five years in which to accomplish the work, an annual report of progress being required.

In the spring of 1861 the Johnson party perfected the individualization of its property, each member entering upon the complete possession of his share. The distribution was made on the following basis: To every person, male and female, that had attained the age of thirty-five years, a full share of all lands, timber, town lots, and personal property was given. A full share consisted of twenty-two acres of land, one timber lot—nearly two acres—one town lot, and an equal part of all barns, horses, cattle, hogs, sheep, or other domestic animals, and all farming implements and household utensils. All under this age received a share corresponding in amount and value to the age of the individual, no discrimination being shown to either sex. The smallest share was about eight acres of land, a correspondingly small town lot and timber lot, and part of the personal property. Thus a man over thirty-five years of age, having a wife of that age or over, would receive considerable property to manage. He held that of his wife and children in trust, the deeds being made in the name of the head of the family.

In the spring of the following year the Olson party followed suit, so that after March, 1862, the Bishop Hill Colony was practically extinct. It is a singular fact that this division, comprising, among other property, no less than about twelve hundred acres of land, has always been regarded as thoroughly just, and it is believed no complaint has ever been raised against it.

The members of the community now considered that their financial troubles were at an end. But they were grievously mistaken. The trustees made no reports. On the contrary, in 1865, Olof Johnson assessed the individualized lands ten dollars an acre, which assessment, aside from the property already reserved by the trustees, was sufficiently large to pay the entire debt of the community. In 1868 an additional assessment of eleven dollars per acre was made. This was more than the members would stand, and on July 27, 1868, a committee was appointed to bring suit by bill in chancery against the trustees. In this suit, the special master in chancery, in referring to the trustees' financial statement of January 9, 1860, said: "Upon the making of said report . . . the Colony, at the same meeting where the said report was made, appointed a committee to examine and revise all the accounts of the Colony for the past year and make report. After the appointment of the committee and before they were given access to the Colony books for examination, new books were made up under the direction of some of the trustees, and these new books, instead of the original, were shown to the said committee for their examination. The difference between the new and original books is the said sum of \$42,759.33. Upon my order to the said trustees to produce the Colony books, the said new books, and not the original, were produced." The special master found that, at the date of his report, Olof Johnson and the trustees were indebted to the Bishop Hill Colony in the sum of \$109,619.29.

It is not the intention to rehearse the details of this tedious and expensive lawsuit. Some of the principals are still living. The suit impoverished many, and destroyed much of the harmony and good-will which still existed at the dissolution of the society. The "Colony Case" lasted twelve years, and was famous in its day among the legal fraternity in Illinois. After the death of Olof Johnson, in 1870, it languished until, in 1879, it was ended on the basis of a compromise.

VIII.—CONCLUSION.

In concluding this monograph upon the history of the Bishop Hill Colony, it will be profitable to inquire what were the principal advantages of the communistic system, and what were the principal causes of its failure.

One immediate cause of failure was, of course, the disastrous financial management for which the Board of Trustees, and especially Olof Johnson, were responsible. The defects of the charter and first set of by-laws, which hardly left the community a supervisory control in the management of its own affairs, have been reviewed. Under the circumstances it was not surprising that the trustees, well-intentioned as they undoubtedly were, should be tempted to exercise their powers to further arbitrary schemes of aggrandizement. This temptation was increased by the speculative temper of the general business world in the flush times preceding 1857.

A second cause of failure was the religious tyranny exercised by the Board of Trustees, and especially by Jonas Olson. This tyranny culminated in the arbitrary introduction of celibacy, in the accomplishment of which drastic measures were freely resorted to. In 1859, religious dissensions ran so high that all community of worship was apparently destroyed. A strong reformatory party, led by Nils Heden, demanded and obtained important concessions from the Board of Trustees, which, however, led to no permanent conciliatory results.

A third cause was the importation of ideas and habits of thought antagonistic to the communal life. This was due to the building of railroads, and to improved means of communication generally with the outside world. Even under ordinary circumstances the transferring of interests from one generation to another is a delicate and painful process. Under the peculiar circumstances which obtained in Bishop Hill, it was perhaps impossible of accomplishment. The communism of the Jansonists was founded upon a religious

basis. As soon as this basis should be withdrawn, the superstructure was destined to fall. And that is what happened, for with the death of its founder, Jansonism rapidly went into decay. At the best there was little attraction in the religious life in Bishop Hill.

The advantages of the system were such as were derived either from the application of the collectivist principle in the process of production, or from an equal distribution of economic goods. Labor was saved, consumption of every description was reduced, starvation was impossible. Yet, while the Jansonists fared well materially, and while it is true they laid stress upon elementary education, the general intellectual life was exceedingly restricted. But perhaps it was not any more so than that of the back-woodsmen by whom they were surrounded. One thing is certain, the Jansonists displayed a wonderful amount of skill and ingenuity in all trades and mechanical arts.

When the allotment in severalty took place, the majority of the Jansonists left Bishop Hill and moved out upon their farm lands. The division took place in a fortunate period. During the War of Secession, high prices were obtained for agricultural produce, and the more thrifty and fortunate were enabled to accumulate handsome competences.

Of the persons who have figured in the foregoing pages the majority are now dead. John Root was sentenced to imprisonment for two years in the State penitentiary. He died some years after his release, friendless and penniless, in Chicago. Mrs. Eric Janson, once so handsome and gifted and powerful, ended her days in the County Poor House in 1888, and lies buried in the community's burying-ground at Bishop Hill. Eric Janson, Jr., grew to manhood in Bishop Hill, and is now a successful newspaper editor in Holdrege, Nebraska. Jonas Olson still preaches occasionally in the Old Colony Church, and although his voice trembles and his frame shakes, the fire of the old-time eloquence is not wholly wanting. It is well that his eyes are growing dim, for the

congregation which greets him is becoming piteously small, and looks grotesquely out of place in such a pretentious house of worship. The majority of the Jansonists have joined the Methodist communion, and even Jonas Olson no longer adheres to the old faith, but is now an independent Second Day Adventist.

The present town of Bishop Hill numbers only three hundred and thirty-three inhabitants. The shops and the mills and the manufactories are empty, and the very dwelling-houses are going to ruin. In the light of the past, it is truly a Deserted Village. But the spruce and the elm and the black walnut saplings that were planted in the days of the Colony have grown into magnificent shade trees, and speak of the glory of the past.

APPENDIX.

THE CHARTER OF THE BISHOP HILL COLONY.

An Act incorporating the Bishop Hill Colony at Bishop Hill, in Henry County.

SECTION 1. Be it enacted by the people of the State of Illinois, represented in General Assembly, that Olof Johnson, John¹ Olson, James Ericson, Jacob Jacobson, Jonas Kronberg, Swan Swanson, Peter Johnson, and their associates and successors be, and they are hereby constituted and appointed, a body politic and corporate, by the name and style of "The Bishop Hill Colony," and by that name they and their successors shall and may have perpetual succession, shall be capable of suing and being sued, defending and being defended, pleading and being impleaded, answering and being answered, within all courts and places whatsoever, and they may have a common seal, to alter or change the same at pleasure; may purchase and hold or convey real and personal property necessary to promote and fully carry out the objects of said corporation.

The number of Trustees shall be seven, and the above-named persons are hereby appointed and constituted Trustees of said corporation.

SECTION 2. The real and personal estate held and owned by said Trustees, in their corporate capacity, shall be held and used for the benefit, support, and profit of the members of the Colony.

SECTION 3. The business of said corporation shall be manufacturing, milling, all kinds of mechanical business, agriculture and merchandising.

¹Anglicized for Jonas.

SECTION 4. The said Trustees, above appointed, shall hold their office during good behavior, but are liable to be removed, for good reason, by a majority of the male members of said Colony.

SECTION 5. All vacancies in the office of Trustees, either by removal, death, resignation, or otherwise, shall be filled in such manner as shall be provided by the by-laws of such corporation.

SECTION 6. The said Trustees and their successors in office may make contracts, purchase real estate, and again convey the same, whenever they shall see proper so to do, for the benefit of the Colony.

SECTION 7. All the real estate heretofore conveyed by any person or persons to the Trustees of the Bishop Hill Society, shall be, and the titles to said lands are hereby invested in the said Trustees above appointed, for the uses and purposes above specified.

SECTION 8. The said Bishop Hill Colony may pass such by-laws concerning the government and management of the property and business of said Colony, and the admission, withdrawal and expulsion of its members, and regulating its internal policy and for other purposes, directly connected with the business and management of said Colony, as they may deem proper, not inconsistent with the Constitution and by-laws of the State.

SECTION 9. This act shall be deemed and taken as a public act, and shall be construed liberally for the benefit of said Colony.

THE OLD BY-LAWS OF THE BISHOP HILL COLONY.

ARTICLE 1. Any person sustaining a good moral character may become a member of this Colony by transferring to the trustees thereof all his or her real and personal property, and subscribing to these by-laws. The Board of Trustees shall determine the question of moral character and admis-

sion, and a majority of said trustees shall constitute a quorum for that purpose. The trustees may, in their discretion, refer the question of admission to a vote of the adult male members of the Colony.

ARTICLE 2: The property which any person on becoming a member of this Colony shall transfer to the trustees thereof, shall become forever thereafter the absolute property of the Colony; and on withdrawal or discontinuance of membership by any person, he shall not be entitled to compensation or pay for any services or labor he may have performed during the time he may have been a member; but it shall be at the option of the trustees to give to such person such things, whether money or property, as they, the trustees, shall deem right or proper.

ARTICLE 3. Any member who shall be guilty of disturbing the peace and harmony of this society, by vicious or wicked conduct, or by preaching and disseminating doctrines of a religious belief contrary to the doctrines of the Bible which are generally received and believed by this Colony, may be expelled.

ARTICLE 4. It shall be the duty of the trustees of said Colony to regulate and direct the various industrial pursuits and business of said Colony in person or by such agents or foremen as they may see fit to appoint from time to time, and to require such agents or foremen to account to them in such manner and at such time as they, the trustees, shall deem convenient and proper.

ARTICLE 5. There shall be held annually, on the second Monday of January in each year, a meeting of the adult male members of said Colony for the general transaction of business, at which time the Board of Trustees shall make a full and complete report of the financial condition and affairs of the Colony for the year ending on the Saturday next previous to such meeting. But the Board of Trustees, or a majority of them, may call special meetings of the adult male members of the Colony for the consideration and transaction

of business, whenever in their opinion the interests of the Colony require it. And a special meeting shall convene whenever a majority of the male adult members of the Colony shall require such meeting, by signifying their request to the trustees in writing five days previous to such meeting.

ARTICLE 6. Our property and industry and the proceeds thereof shall constitute a common fund, from, by and with which it shall be the duty of the Board of Trustees to provide for the subsistence, comfort and reasonable wants of every member of the Colony, for the support of the aged and infirm, for the care and cure of the sick and the burial of the dead, and for the proper education of our children, and generally to do and transact any and all business necessary to the prosperity, happiness and usefulness of the Colony, and consistent with the charter organizing the same.

ARTICLE 7. Whenever a vacancy shall occur in the Board of Trustees, the same shall be filled at an election held for that purpose by the adult male members of the Colony, and the person receiving the highest number of votes shall be trustee.

ARTICLE 8. These by-laws may be revised, altered or amended at any regular or called meeting of the adult male members of the Colony, by a majority of those present and voting at such meeting.

THE NEW BY-LAWS OF THE BISHOP HILL COLONY.

ARTICLE 1. All heretofore adopted by-laws, orders, decisions and commissions, either to the trustees, or issued by the trustees to any of them, or to other persons belonging or not belonging to the Colony, that have heretofore been in force, are hereby, to all power and value, repealed.

ARTICLE 2. All persons who according to the former by-laws have become members of this Colony and are now residing within this Colony, shall be members under these by-laws, and be entitled to all the rights and benefits that these by-laws prescribe.

ARTICLE 3. In accordance with the charter dated January 17, A. D. 1853, organizing this Colony, the trustees may buy and sell real and personal property and make contracts; but in conformity with the 1st and 8th sections of said charter, the Colony does hereby decree that the trustees shall not buy or sell real estate or make contracts, or contract debts for which the Colony shall be holden, unless the Colony has in a general meeting been heard and has decided on all the stipulations in regard to such purchases, sale, contracts or indebtedness, as the Colony may consider best to carry out the intention of its organization.

ARTICLE 4. The trustees shall carefully regulate the affairs, works, and industrial pursuits of the Colony; make purchases, sales, and conduct the finances in accordance with such ordinances and instructions as the Colony may, in general meeting, from time to time adopt and issue.

ARTICLE 5. Foremen of shops, mechanical establishments, and agricultural departments shall be chosen by the Colony, and such foremen shall account to the trustees at such time and in such manner as the trustees may direct for the business that such foremen may execute.

ARTICLE 6. The Colony may adopt such rules of order as necessity may require to promote morality, decency, justice and equity between the members.

ARTICLE 7. On the second Monday in each month, at 9 o'clock A. M., there shall be a general meeting of the adult male members of the Colony, for the transaction of the general business of the Colony. All motions introduced at such meetings shall be put to vote, and the motion shall be decided according to the will of the majority, as expressed by the vote. These votings shall, if not otherwise decided, be made in such manner that the names of the members shall be called, whereupon each member shall respond to the call of his name with "aye" or "no," and shall thereby signify whether he is voting for or against the motion; "aye" signifying approbation of the motion, and "no" signifying disapprobation of

the same. At these meetings the trustees shall render and deliver a report and full account of the affairs of the Colony and the management of the same for the month ending next before such meeting, and also a summary account of the affairs of the Colony up to the time of that meeting at which such account is rendered.

ARTICLE 8. The Colony may, whenever it shall so decide, elect five men, who shall constitute a committee for an examination, investigation, and inspection of the reports, accounts and transactions of the trustees; and it shall be the duty of the trustees to deliver to the said investigating committee such documents as said committee may call for for such examination, investigation and inspection; and the trustees shall also give such information and explanation as the said committee may see proper to demand. The investigation ordered at the general meeting of the 9th of January, A. D. 1859, shall proceed according to the instructions, or in the manner that may be hereafter directed.

ARTICLE 9. Should a vacancy occur in the Board of Trustees, either by death, resignation, removal or discharge, such vacancy shall be filled at a general meeting by a vote of the male members of the Colony, and the person who shall receive the highest number of votes shall be trustee.

ARTICLE 10. The affairs and transactions of the Colony shall be done in the name of the Colony. The trustees and the other officers shall have a common office at Bishop Hill, but at no other place, where the affairs shall be transacted and recorded.

ARTICLE 11. The income of the Colony shall be used for the support, clothing and subsistence of the members of the Colony and their families, for the education of their children, medical aid and care of the sick, and the funeral expenses of the dead; and all these expenses shall be paid from the common funds, and the surplus, after the debts of the Colony are liquidated, shall be used as the Colony may prescribe.

ARTICLE 12. Should any of the members wish to leave,

withdraw, and discontinue their membership in the Colony, they shall signify their intention at a general meeting, or before one of the trustees of the Colony; and such withdrawing or discontinuing member shall be entitled to compensation for the work he or she may have performed for the Colony; which compensation shall be computed and paid in such a manner that each and every person now residing in the Colony who is a member thereof, or has resided in the Colony for the last five years with the intention and promise to become a member of the Colony, shall be entitled to an equal amount of money for every six months he or she resides at Bishop Hill or in the Colony, after the time he or she has attained the age of eighteen years; which amount of money shall be fixed and calculated after the value of the real and personal estate belonging to the Colony, with deductions of the liabilities, in such a manner that all the separate amounts put together shall make the net balance of the value of the real and personal property of the Colony, according to the valuation of the property. And any person who signifies his or her intention to leave or withdraw from the membership shall receive the compensation for the work in the Colony according to such calculations, but such person's membership shall not cease before the said compensation has been respectively paid over to the proper person.

To find out the right value of the real and personal property, that the amount of compensation can with certainty be calculated and computed, the Colony shall appoint two disinterested and skillful persons, and these two persons shall select a third person who shall make a complete inventory and a true valuation of the real and personal property of the Colony, which inventory and valuation shall be completed before the first of June next: before this time, or the first of June next, the Trustees shall make a true statement of all the liabilities and claims of or on the Colony, and the net balance of the assets shall be the amount according to which the compensation, as has heretofore been stated, shall be

computed and paid. The payment of said compensation for work to such persons as withdraw from the membership of the Colony shall be made in real and personal property, if mutual agreement can be made in regard to the situation of the real estate and the nature and quality of the personal property, and when such an agreement can be made, then shall the property be taken for the value that has been set on the same, as mentioned in this article, and the payment of such compensation shall be made within six months from the date when the person made the notification of his or her withdrawal.

ARTICLE 13. These by-laws can be altered or amended at a general meeting of the adult male members of the colony, with the exception of the 12th article of these by-laws, which cannot be repealed or amended; otherwise than that a yearly valuation of real and personal property can be made, if the Colony so decide.

II-III

CHURCH AND STATE

IN

NEW ENGLAND

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II-III
CHURCH AND STATE
IN
NEW ENGLAND

BY PAUL E. LAUER, A. M.

Fellow in History, Johns Hopkins University

BALTIMORE
THE JOHNS HOPKINS PRESS
February and March, 1892

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JOHN MURPHY & CO., PRINTERS.
BALTIMORE.

PREFACE.

The complete separation of church and state is an American doctrine. European governments have long maintained church establishments. The Puritan colonists of New England in the seventeenth century were not prepared to organize on principles that characterize the relations of church and state in America to-day. They followed the example of the mother country and united the civil and ecclesiastical organizations. They established the Congregational church and endeavored to maintain it by law against all opposition.

The design of this monograph is to give the history of the establishment, to point out the causes that led to the dis-establishment and also the steps by which the latter was brought about. The author aims, in this way, to trace the growth of religious liberty from the time of the first settlements to the final triumph of religious freedom in New England in 1834.

P. E. L.

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CHURCH AND STATE IN NEW ENGLAND.

CHAPTER I.

INTRODUCTORY.

A study of church and state in America may well begin with results of the Reformation in England. Puritan, Independent, Separatist, Pilgrim, were but the names of those zealous English Protestants who, no longer satisfied with the Church of Rome, stood for the reform of its doctrine and polity. The teachings of Wycliffe, Erasmus and Colet had prepared the way for the reform in England, and, whatever may have been Henry VIII.'s motive for declaring his ecclesiastical independence, there is little doubt that there was a considerable party ready to support him in his opposition to the Pope. The Defender of the Faith was far from ready to take up the cause of Protestantism ; nevertheless, the advocates of reform saw in the separation from Rome a point gained for their cause. The dissolution of the monasteries which followed gave the death-blow to the Catholic hierarchy in England and undermined the whole Catholic party ; and, more than that, it raised up a party which not alone from principle but from self-interest opposed every effort to re-establish Catholicism. In this way again the King aided the cause of the reformers. Henry VIII., however, was at heart a Catholic and he aimed to enforce a Catholicism, with himself as Pope, upon the English people. The Statute of Six Articles

passed in his reign made it a crime punishable by death to write, preach or dispute against transubstantiation; celibacy of the clergy and auricular confession were insisted upon. Aside from these and some minor points the King was not unwilling to be more or less liberal to the Protestants. He at one time permitted an English translation of the Bible to be used in every parish church; but even this privilege was abridged a few years before the King's death.

The reign of Edward VI. is marked by the effort made to establish Protestantism. Images were removed from the churches; auricular confession was made optional with each individual; marriage was allowed to the clergy; the sacrament of the altar was administered in both kinds. Hallam tells us that the Roman worship was proscribed; that many persons were sent to prison for hearing mass, and that Mary herself was not permitted to have the exercise of her religion at home.¹ Parliament made it penal for any minister to use in any cathedral, parish or church any other than the Book of Common Prayer. In this way uniformity of service was to be secured. The Six Articles of Henry VIII. were repealed. A Book of Homilies embodying the doctrines of Cranmer was compiled and ordered to be read in the churches. The Forty-two Articles of Religion were introduced as the standard of doctrines. Subscription to these Articles was demanded of all clergymen, church-wardens and school-masters. The Reformation in England under Edward tended towards a Calvinistic theology and Zwinglian ceremony. "The new Prayer-book," says Green, "was revised, and every change made in it leaned towards the Protestantism of Geneva."² It must be remembered, however, that the great body of English people was Catholic and consequently there was no little opposition to these reforms. It was, therefore, inexpedient for

¹ *Constitutional History of England*, Vol. I, Chap. II, p. 106. The references are to the Standard Edition.

² Green's *Short History of the English People*, p. 366.

the English reformers to go as far as those of the continent wished them to go. Cranmer thought it wise to retain some of the ceremonial usages. He refused to do away with the copes and rochets of the bishops and the surplice of the priest. On account of this and in spite of all the sweeping changes that had been made, some of the continental reformers did not hesitate to utter their dislike of "the backwardness of the English Reformation." But there is no doubt that it approached in both doctrine and ritual as near to Protestantism as the circumstances of the time would permit. The position taken by the English church was midway between Catholicism and Protestantism. It satisfied neither party; its authority had now to be maintained by persecution of Catholic and Protestant alike.

At the accession of Mary the realm was brought back to the old religion. The Anti-Catholic acts passed in the reigns of Edward and Henry were swept away. Many of the nobility and a large part, perhaps a majority, of the people supported Mary in the return to Catholicism. Her marriage with Philip of Spain, however, made her unpopular; it also "created a prejudice against the religion which the Spanish Court so steadily favored."¹ In addition to this, her widespread and cruel persecution of the Protestants alienated many of her subjects. Hallam tells us, on the authority of Strype, that many became Protestants under Mary who, "at her coming to the throne, had retained the contrary persuasion."² Persecution drove Protestants out of the realm. Some of them took refuge in Switzerland, others in Germany. Calvin and Zwingli received the exiles kindly, but Luther had little sympathy with them. During their stay in Geneva and other parts of Switzerland they observed the simplicity of worship so characteristic of the Zwinglian churches. Here they saw the affairs of church and state administered by the people. By a majority of votes the people chose their ministers. That

¹ Hallam, Vol. I, p. 115.

² *Const. Hist.*, I, 115.

form of worship was adopted which had been agreed upon by the voters. There was here no hierarchy with the King at its head. Here the English exiles saw and learned democratic government. For some of them this became the ideal church government. The proof of this is the rise of the Independents in England a few years later.

The accession of Elizabeth in 1558 brought a return to Protestantism. Elizabeth, like Cranmer, seemed to recognize that many of the English people were Catholic. She made it her policy to avoid extremes. The position that the Church of England had taken midway between the old and new religions Elizabeth endeavored to maintain. She brought back into service Edward VI.'s Prayer-book altered but little. The Forty-two articles drawn up under Edward, revised and reduced to thirty-nine, again became the standard of doctrine. By the Act of Supremacy she rejected the papal authority over the English Church but she did not assume the title of Supreme Head of the Church, as her father had done. In doctrine she may be said to have taken the position of a Protestant. In ceremony she inclined toward the Catholic. She had a struggle with the reformers about images and particularly the crucifix. In 1559 she yielded and ordered them to be taken out of the churches. As to the celibacy of the clergy she never could be brought to adopt the Protestant view; she never would consent to make their marriage lawful. Conflicts with Catholics and Protestants were inevitable. Elizabeth was firm in maintaining her ecclesiastical supremacy. She determined to secure outward conformity to the religion she had established. To carry out her determination persecuting acts against Catholic and Protestant sectaries had to be passed. This policy of coercion was maintained by her throughout her reign.

Elizabeth's struggle with the Catholics was no less a political than a religious one. Mary, Queen of Scots, was asserting her claim to the English crown. The Catholics were, doubtless, in sympathy with her, and supported and encouraged by

an organized band of Jesuits, they were a source of danger to Queen Elizabeth. It is not surprising that their zeal for Mary's cause brought upon them the suspicion of disloyalty. But there was more than disloyalty; there is evidence of a plan to assassinate Elizabeth that Mary of Scotland might be placed on the throne. There is, therefore, at least a partial justification for the severe persecution that the Catholics endured in this reign.

The struggle with the Protestants was more religious than political. Those who had been exiled in the reign of Mary now returned home from Switzerland and were thoroughly determined to set up a church with as simple a worship as they had seen in Geneva. They believed that the vestments worn by the clergy, if of no importance in themselves, recalled their former superstition. From vestments to Catholicism was but a short step. "Such eminent churchmen as Jewell, Grindall, Sandys, Newell, were in favor of leaving off the surplice and what were called the papish ceremonies."¹ The party favoring these reforms was called Puritan in reproach of their demands for a pure worship. There was in the church another party represented by Parker and the Bishop of Ely. Their ideas of the Reformation were like those of Elizabeth; in doctrine they were thoroughly Protestant, in ceremony they inclined to the Catholic. They were not willing at a blow to remove vestments, images and all that was dear to the hearts of thousands of Englishmen. They wished to give as little shock as possible to the many loyal Catholics. They aimed to change only those forms and ceremonies which they considered absolutely necessary to change, and to retain as much of the old as they could. These two parties were, at first, but factions of the great Protestant party. The points on which they agreed were far more important than those upon which they differed. Their long continued disputes on their differences, however, made them forget their common principles

¹ Child's *Church and State under the Tudors*.

and aims. These were relegated to the background, while their wranglings about mere habits and ceremonies were brought forward. The two factions were alienated and became bitter political enemies.

In the year following the accession of Elizabeth the Act of Uniformity was passed. This act brought into use the revised Book of Common Prayer; it provided a penalty for any parson, vicar and other minister using any but the established liturgy; it made attendance at the parish church on Sunday and holidays compulsory. Both this act and the Act of Supremacy were, at first, cautiously enforced. The consciences of some of the Puritans would not allow conformity to the rites of the church. The Puritan laymen held their secret meetings. The Puritan clergymen managed to evade the laws and to adopt ceremonies more in accordance with their tastes. "Some clergymen continued to wear the habits, others laid them aside. The communicants received the sacrament sitting, or standing, or kneeling, according to the ministers' tastes."¹ The malcontents were growing more numerous every day. Elizabeth determined to enforce the laws more rigorously. In 1565 an effort was made to put a stop to the irregularities in worship. "Two of the most eminent Puritans were deprived of their preferments; and thirty-seven of the London clergymen refusing to comply with the legal ceremonies, were suspended from their ministry and threatened with punishment of deprivation."² The Puritans in Parliament introduced Bills for abolishing various ecclesiastical rites and ceremonies. To all these proposed reforms the Queen stood rigidly opposed.

As the Protestant party had become divided into two factions, so now one of these, the Puritan, became divided. The larger part continued their struggle without leaving the church. They hoped by their influence in Parliament and in

¹ Hallam, Vol. I, p. 182.

² Taswell-Langmead, *English Constitutional History*, p. 477.

the Council to bring about their reforms. This part retained the name Puritan. Geneva is said to have been at once the strength and weakness of the Puritan; his strength because here he saw his ideal realized; his weakness because it taught him to try to get his reforms through the state.

To the other, the smaller faction, observance of a ritual which they considered idolatrous was sin. To them the idea of a *national* church was repulsive. They believed that a church is a company of believers organized in the name of Christ, independent of civil or other ecclesiastical organization. With such a conception of a church they claimed it to be their right to separate from the Church of England and to organize for themselves. They were called Brownists after one of their leaders, or Barrowists after another. As early as 1580 Robert Brown began to promulgate his doctrines. Any number of Christians, themselves choosing and ordaining their pastors, and administering all their ecclesiastical affairs,—a body entirely independent of the civil power,—was his ideal church. Dr. H. M. Dexter in his *Congregationalism of the Last Three Hundred Years* claims that to Robert Brown is due the proud distinction of first advocating in the English tongue the modern doctrine of the relation of church and state.¹ Brown deserted the Brownists but his associate, Harrison, took his place. The little company never wanted leaders. After Brown and Harrison came Copping and Thacker, then Greenwood and Barry, then Johnson and Penry. By 1592 there were said to be more than 20,000 Brownists in England. "As they went far beyond the Puritans in their aversion to the legal ministry, they were deemed in consequence still more proper subjects for persecution."² Barrow and Greenwood were indicted for spreading seditious writings. For six years they lay in prison where they wrote, as they had opportunity, short statements of their views and doctrines. These were sent to Holland to be printed and then

¹ Dexter, p. 101.

² Hallam, Vol. I, p. 216.

returned to England for circulation. One of these papers "preserved in the state records, endorsed by Jerome Studley, one of the Separatist prisoners," has the following statements: "The church as it is seen in this present world, consisteth of a company and fellowship of faithful and holy people, gathered in the name of Christ Jesus, their only King, Priest and Prophet, worshipping Him aright, being peaceably and quietly governed by his officers and laws, keeping the unity of the faith in the bond of peace and love unfeigned.

"We seek to worship and obey Christ as our only King, Priest and Prophet: and to our prince we are humble and obedient subjects in all things which are not repugnant to God's laws.

"There is no power given the prince to restrain any jot or liberty of the Church or to withhold any one person from doing the whole will of God in their calling, much less is there any power given the prince to draw or compel the Church, or any member thereof, to the least transgression or error."¹

Here the church and state were differentiated. There seems to be little doubt that these Brownist prisoners had as early as 1597 the modern view of the relation between church and state.

England had no place for such views in the seventeenth century. The most of the Brownists were put down by persecution. One little band had organized themselves into a church at Scrooby in Nottinghamshire. Their minister was "Mr. Richard Clifton, a grave and reserved preacher. Among them was that famous and worthy man, Mr. John Robinson"² and Mr. William Brewster. They endured persecution until 1608 when they took refuge in Holland, which had been for many years an asylum for religious exiles. As early as 1593 a band of Brownists had fled from London and

¹ Waddington's *History of Congregationalism*, Vol. II, p. 32.

² Bradford's *History of Plymouth Plantation*, p. 10. *Mass. Hist. Society Col.*, Vol. III, IV Series.

had organized a church at Amsterdam. Later a second congregation who were of "sundry towns and villages, some in Nottinghamshire, some of Lincolnshire, and some of Yorkshire, with their pastor, John Smith,"¹ joined their brethren in the Netherlands. Here they aimed to carry out the principles of Brownism to their full extent. Controversies with the reformers of the continent and disputes among themselves soon arose. There was much dissension among them when the Pilgrims from Scrooby with their pastor, John Robinson, arrived. Bradford says: "And when they had lived at Amsterdam about a year, Mr. Robinson, their pastor, and some others best discerning, seeing how Mr. John Smith and his company were already fallen into contention with the church that was there before them, and no means they could use would do any good to cure the same, and also that the flames of contention were likely to break out in the ancient church itself; which things, they prudently foreseeing, thought it was best to remove, before they were any way engaged with the same. For these and some other reasons they removed to Leyden."² Here "they fell to such trades and employments as they best could; valuing peace and their spiritual comfort above any other riches whatever. And at length they came to raise a competent and comfortable living but with hard and continued labor."³ Their relations with the Dutch were pleasant. They were readily employed because of their honesty and faithfulness. "The Dutch would trust them in any reasonable matter when they wanted money."⁴ There were, however, many objections to their making Leyden their permanent home. After they lived there about twelve years they began to think of emigrating to another country. The following are the chief reasons as given by Bradford for their removal from Holland to America. (1) "Great labor and hard fare, with other inconveniences"⁵ had to be endured.

¹ Bradford, p. 9.² Bradford, p. 17.³ Bradford, p. 17.⁴ Bradford, p. 19.⁵ Bradford, p. 24.

"Some preferred and chose prisons in England rather than liberty in Holland with those afflictions. But it was thought that if a better and easier place of living could be had, it would draw many and take away these discouragements."

(2) They saw "old age began to come on some of them ; and their great and continued labors, with other crosses and sorrows, hastened it before the time ; so as it was not only probably thought, but apparently seen, that within a few years more they were in danger to scatter by necessity pressing them, or sink under their burdens, or both ; and, therefore, according to the divine proverb, that 'a wise man seeth the plague when it cometh, and hideth himself,' so they, like skillful and beaten soldiers, were fearful either to be entrapped or surrounded by their enemies, so as they should neither be able to fight nor fly ; and, therefore, thought it better to dislodge betimes to some place of better advantage and less danger, if any could be found." (3) They saw that their children "were drawn away by evil examples into extravagant and dangerous courses, getting the reins on their necks, and departing from their parents. Some became soldiers, others took them upon far voyages by sea, and others some worse courses, tending to dissoluteness and the danger of their souls, to the great grief of their parents and the dishonor of God ; so that they saw that their posterity would be in danger to degenerate and be corrupted." (4) "Lastly (and which was not the least), a great hope and inward zeal they had of laying some good foundation, or at least to make some way thereunto, for the propagating and advancing of the Gospel of the kingdom of Christ in these remote parts of the world ; yea, though they should be put as stepping-stones unto others for performing of so great a work." To these reasons may be added those given by Edward Winslow in his *Brief Narrative*.¹ They are : (1) the desire to live under the protection of England and retain the language and name of Englishmen ;

¹ As given in Baird's *Religion in America*, p. 99.

(2) their inability to give their children such an education as they had themselves received; (3) their grief of profanation of the Sabbath in Holland.

It is thus made plain why the Separatists came to America. Their objects seem to have been largely prudential. While this is true we must not forget that the master motive in all was their desire to set up their ideal church, to worship as their consciences dictated. This explains their leaving their native land. In Holland they enjoyed religious liberty but their temporal prospects discouraged them. They had to seek a new home where they might have liberty and, at the same time, permanent economic prosperity. Many places were considered but America was decided upon. Though under English dominion the Pilgrims hoped to enjoy to some degree their peculiar religious worship. They even tried to get the King's consent to freedom in America. Bradford says:¹ "And some of the chief of that company doubted not to obtain their suit of the King for liberty in religion, and to have it confirmed under the King's broad seal, according to their desire. But it proved a harder piece of work than they took it for; for though many means were used to bring it about, yet it could not be effected; for there were diverse of good worth labored with the King to obtain it (amongst whom was one of the chief secretaries), and some others wrought with the Archbishop to give way thereto; but it proved all in vain. Yet, thus far they prevailed in sounding His Majesty's mind, that he would connive at them and not molest them, provided they carried themselves peaceably. But to allow or tolerate them by his public authority, under his seal, they found it would not be." The Pilgrim Fathers did not have a great deal of confidence in this assurance of the King, but so great was their desire to improve their condition that they were willing to take a little risk in religious liberty. They were willing even to take the oath of supremacy if it were

¹ Bradford, p. 29.

required of them, and if it were not sufficient to take the oath of allegiance. We have seen that the Separatists had differentiated the church and state. They had advocated the now accepted ideas of the relation between the two. The Barrow and Greenwood prison writings show that they held that no power was given the prince to control, in the slightest degree, the religion of his subject. All the more difficult does it become to explain the following articles which were drawn up while the Pilgrims were negotiating with the Virginia company. They were sent to enable the company to answer any objection to their plans on the part of the Crown or the High Church party.

“(1). To the confession of faith published in the name of the Church of England, and to every article thereof, we do with the reformed churches where we live, and also elsewhere, assent wholly.

“(2). As we do acknowledge the doctrine of faith there taught, so do we the fruits and effects of the same doctrine to the begetting of saving faith in thousands in the land (conformists and reformists as they are called), with whom also, as with our brethren, we do desire to keep spiritual communion in peace, and will practice in our parts all lawful things.

“(3). The King's Majesty we acknowledge for supreme governor in his dominion in all causes and over all persons, and that none may decline or appeal from his authority or judgment in any cause whatsoever, but that in all things obedience is due unto him, either active, if the thing commanded be not against God's word, or passive, if it be, except pardon can be obtained.

“(4). We judge it lawful for His Majesty to appoint bishops, civil overseers or officers in authority under him, in the several provinces, dioceses, congregations or parishes, to oversee the churches and govern them civilly according to the laws of the land, unto whom they are in all things to give account, and by them to be ordered according to godliness.

“(5). The authority of the present bishops in the land we do acknowledge, so far forth as the same is indeed derived from His Majesty unto them and as they proceed in his name, whom we will also therein honor in all things and him in them.

“(6). We believe that no synod, class, convocation or assembly of ecclesiastical officers has any power or authority at all, but as the same by the magistrate given unto them.

“(7). Lastly, we desire to give unto all superiors due honor, to preserve the unity of the spirit with all that fear God, to have peace with all men what in us lieth, and wherein we are to be instructed by any.”¹

Doyle commenting on these articles says: “On the surface they look like an unconditional acceptance of what by anticipation one may call Erastianism. They seem to contain a definite acknowledgment that all ecclesiastical authority must proceed from the civil power and be responsible to it. A careful inspection, however, shows that the more important concessions are qualified by distinct, though cautiously expressed, reservations. In the first article the acceptance of the confession of faith published by the Church of England is limited by the introduction of the reformed churches of Holland as partners in that acceptance. So the promise of obedience to the King’s authority is modified by the condition that the thing commanded be not against God’s word, a condition which might easily be so interpreted as to nullify the general admission. Yet even if we presume the most favorable interpretation of these Articles, the fourth contained an admission of the right of the State to control religion, which seems strangely at variance with the recognized doctrines of the Nonconformist. In truth, we must look on these seven Articles not so much as an exposition of faith but rather as conditions of agreement.”²

¹ Quoted in Doyle’s *Puritan Colonies*, Vol. I, p. 37.

² Doyle, *Puritan Colonies*, Vol. I, Chap. II, p. 38.

There is no doubt that concessions had to be made, and with a wide expanse of ocean between them and the High Commission Court, the Pilgrims could easily consent to submit their church to the control of the state. Were they, by doing so, surrendering any of their fundamental doctrines? As there were differences of opinion on various matters among the Brownists, the idea suggests itself that not all Separatists were opposed to the state's control over the church; further, they believed in a *Congregational* but not in a *National* church. The principle of the complete separation of church and state may have been recognized but as one of their fundamental principles it had not taken hold of the Pilgrims. They thought it well to leave the state to control civilly only, and to permit religious toleration. Should there be, however, any occasion for state interference in ecclesiastical affairs, as for the proper maintenance of ministers, the Pilgrim Fathers themselves would readily consent to it as their history in America will show. The separation of church and state was a new principle, and though asserted by the Separatists under persecution in England, was not held to by them in America. When they established themselves at Plymouth their church had no direct connection with the state. It was free, dependent upon the state for nothing but protection. Further, their experience with the Church of England and their residence in Holland where they saw religious toleration, taught them to pay a proper respect to those not of their creed. A liberal, charitable policy toward those of other beliefs always prevailed at Plymouth. But that they believed that it belonged to the state to decide as to what religions should be tolerated is evident from the resolution offered in the House of Delegates in 1645. A majority was in favor of an act "to allow and maintain full and free toleration to all men that would preserve the civil peace and submit unto the government; and there was no limitation or exception against Turk, Jew, Papist, Arian, Socinian, Nicolaitan, Familist or any other."¹

¹ Bancroft's *History of the United States*, Vol. I, p. 214.

Here was an act that would have been lasting honor to Plymouth, but the governor would not put the question and so it failed to become a law. Not long after this, more direct legislation concerning the church was thought to be necessary, and in 1650 it was forbidden to set up any churches or public meetings diverse from those already set up, without the consent and approbation of the government. In 1651 a penalty of ten shillings was imposed for neglect of church attendance.¹ At first, ministers were supported by voluntary contributions, but they had a hard time of it. Some of them had to leave their churches for lack of support. In 1655 a law was passed that no pastor should leave his congregation for this cause without notifying the magistrates.² The latter were then to use gentle means to bring about the pastor's support, and if they failed, they should use other means. In 1657 the union of church and state became more intimate; public worship was maintained and taxes were levied for the support of ministers. The following is the law :

“Whereas, the General Court taking into their serious consideration the great defect that either is or like to be in the several townships in this jurisdiction for want of an able, godly, teaching ministry and the great prejudice to the souls of many like to ensue; and being desirous according to our duties that such defect should not be for want of due encouragement to such as either are or shall be employed in so good a work of the Lord for his honor and the good of souls: and in consideration that inasmuch as the several townships granted by government was that such a company might be received as should maintain the public worship and service of God there, do therefore judge that the whole, both church and town, are mutually engaged to support the same; and therefore order and agree that in whatsoever township there is or shall be an able godly teaching minister which is approved by the government,

¹ See *Records of Plymouth Colony*, Vol. XI, p. 57.

² *Records*, Vol. XI, p. 64.

that then, four men be chosen by the inhabitants or, in case of their neglect, chosen by any three or more of the magistrates to make an equal and just proportion upon the estates of the inhabitants, according to their abilities to make up such a convenient maintenance for his comfortable attendance on his work, as shall be agreed upon by the church in each township where any is, with the concurrence of the rest of the inhabitants, if it may be had, or by the magistrates aforesaid, in case of their apparent neglect and that distress according as in other just cases provided, be made upon such as refuse to pay such their proportions which is justice due: but in case there be any other way whereby any township do or shall agree that may effect the end aforesaid, this law not to be binding to them.”¹ The records of the Court show that this law was enforced. There are numerous cases of delinquents in ministerial rates, all of whom, unless excused for good reason, were compelled to pay. Their history, therefore, shows that, whatever may have been the views of Robert Brown and his immediate followers as to the relation of church and state, those views had not been sufficiently inculcated to form a part of the Pilgrims’ creed. They placed the church under the patronage of the state and so it continued for many years in America.

Before the Pilgrims left the Mayflower they organized a “civil body politic.” Their form of government was democratic. Every freeman had a voice in the administration of the state. By a majority of the votes the Governor and his assistants were chosen. These constituted the Court. The whole body of freemen was the legislative assembly; but executive and judicial business was also transacted by this body.

The second colony in Massachusetts was settled on Massachusetts Bay in 1629. The Puritans in England began to lose hope of reforming the Church of England. Many became Non-conformists and persecution followed. Their eyes

¹*Records*, Vol. XI, p. 67.

were now turned toward the colony at Plymouth. The fishing station at Cape Ann had proved a failure. Rev. John White conceived the idea of establishing there a colony of another sort. The Separatists had found a home in the new world, could not Non-conformists find a refuge there, too, was asked by the Puritan minister. Several pamphlets were published, one of which, "General Considerations for Planting New England," is credited to Mr. White.¹ In this pamphlet the author argues for a religious colony across the sea. The economical advantages of colonization are mentioned but they are given as minor rather than as leading points. America might furnish a home for Non-conformists and at the same time a field for the propagation of the Gospel. These were the ideas that were in the minds of the six Dorchester gentlemen that obtained from the New England council a grant for all the territory from the Merrimac on the north to a point three miles south of Charles river. "These gentlemen," says Hubbard,² "were brought into acquaintance with several other religious persons of like quality," who became partners in the colony. The company, in order to secure their lands against conflicting claims, obtained from the King a confirmation of their grant. A royal charter was obtained and in 1629 the company became a body politic under the title of The Governor and Company of the Massachusetts Bay in New England. The administration was intrusted to a governor, a deputy and eighteen assistants who were annually elected by the freemen or members of the corporation. The Governor and his assistants held monthly meetings. Four times a year they met together with all the freemen in one great General Court. The government of the colony rested entirely with this court; it could make any laws provided they were not contrary to the laws of England. The Governor, his deputy or two assistants might administer the oaths of allegiance and supremacy but it was not required to do so.

¹ It is also credited to Mr. Winthrop.

² *History of New England.*

Before the royal charter had been obtained John Endicott was sent out by the company to take possession of the land that had been granted. He established a colony at Salem. In the following year another company of Puritans crossed the Atlantic to join their brethren. In this company were the two ministers Higginson and Skelton who afterwards became teacher and pastor respectively of the Salem church.

When the Puritans came to Massachusetts they had very little sympathy with the Separatists. But we noticed that the Plymouth colony, in taking the church under the patronage of the state, followed the European custom—a custom from which the Puritans did not care to deviate. The Puritans and Separatists were thus brought closer together. The first step in this direction, however, was taken by the Salem colony. Bradford tells us that before the main body of Puritans arrived, “scurvy and other infectious fevers had spread among the people at Salem. Mr. Endicott understanding that there was one at Plymouth that had skill in such diseases sent thither for him; at whose request he was sent unto them. And afterwards acquaintance and christian love and correspondence came on betwixt the Governor and Endicott.”¹ This physician, a Mr. Fuller, gave Mr. Endicott good advice concerning the religious constitution of his settlement. The advice was not unheeded. Before organizing their church they consulted “with their brethren at Plymouth what steps to take.” “And the Plymouthans to their great satisfaction laid before them what warrant they judged that they had in the laws of our Lord Jesus Christ, for every particular in their Church-order.”² The democratic system at Plymouth was used as the pattern for the church of Salem. Mr. Pynchard, however, thinks that the Salem church came to adopt the Congregational form from an independent study of the Bible.³ The study of the Bible and the example of the

¹ Bradford, p. 264.

² Cotton Mather's *Magnalia*, Bk. I, Chap. iv, Sec. 6.

³ *History of Congregationalism*, Vol. IV, pp. 27–28.

Plymouthers may fairly be said to have made the Salem church Congregational. The Governor set apart the 20th of July, 1629, for the choice of a pastor and teacher. In a letter dated Salem, July 30, 1629, Charles Gott, writing to the Plymouth governor gives an account of the organization of the church. He says: "So Mr. Skelton was chosen pastor, and Mr. Higginson to be teacher; and they accepting the choice, Mr. Higginson with three or four of the gravest members of the church laid their hands on Mr. Skelton, using prayer therewith. This being done, there was imposition of hands on Mr. Higginson also. And since that time, Thursday (being, as I take it, the 6th of August), is appointed for another day of humiliation for the choice of elders and deacons and ordaining of them."¹ Non-conformity in England had become Separatism in America.

In the colonies at Plymouth and Salem we have the ecclesiastical beginnings of Massachusetts. In both, the church was Congregational. At Plymouth not only the church but the state was democratic. At Salem the government under Endicott was but temporary; when it became permanent it was established on a democratic basis. At Plymouth the church was for a short time independent of the state; in the other colony the church and state were from the beginning intimately associated.

¹ Bradford, p. 266.

CHAPTER II.

THE CIVIL AND ECCLESIASTICAL BEGINNINGS OF NEW ENGLAND.

The colonies at Plymouth and Salem laid the foundations of the commonwealth of Massachusetts. The Old Colony, that at Plymouth, grew by extending itself principally toward the north. The reason for this, as Bradford tells us, was "the inflowing of many people into the country, especially into the Bay of Massachusetts; by which means corn and cattle rose to a great price, by which many were much enriched, and commodities grew plentiful."¹ Everybody wanted to leave Plymouth and go north to cultivate large farms and raise cattle. There seemed to be a fever like that of the California gold fever in 1849. Little Plymouth was likely to be deserted and, in fact, it "was left very thin, and in a short time almost desolate."² There was objection to this scattering of the people not only because it left Plymouth desolate but because the church was likely to suffer. Those who had gone to live on their farms and ranches, found it very inconvenient to attend church at Plymouth, and soon petitioned the government for permission to organize a new church. This permission was given "though very unwillingly."³ This was the beginning of a new town; in 1637 Duxbury was constituted a township.⁴ The old colony was materially weakened by the withdrawal of many of its citizens. Measures were at once

¹ Bradford, p. 302.

³ Bradford, p. 303.

² Bradford, p. 306.

⁴ *Records*, Vol. I, p. 62.

taken to prevent further scattering of the people. In order to give Plymouth citizens the advantages that the Duxbury people enjoyed, it was decided to allot a number of farms at Green Harbor, on condition that those who accepted them should continue their residence at Plymouth. The farms were to be cared for by servants. "But alas! this remedy proved worse than the disease; for within a few years those that had thus got footing there rent themselves away, partly by force, and partly wearing the rest with importunity and pleas of necessity, so as they must either suffer them to go or live in continual opposition and contention."¹ Thus was Plymouth deserted. Its citizens were continually leaving to find more commodious habitations. And this, Bradford thought, would be the ruin of New England, at least, of the churches of God there, and would provoke the Lord's displeasure against them. A third town and church were established at Scituate. In spite of the efforts of the Governor and his assistants to keep the colonists at Plymouth, they kept spreading all along the coast and to some extent inland. The mother colony could not prevent this extension and she began to have fear of losing her distinction as capital of the colony. Consequently, the following law was passed in 1633: "It was by full consent agreed upon and enacted that the Chief Government be tied to the town of *Plymouth*, and that the Governor for the time being, be tied there to keep his residence and dwelling; and there also to hold such court as concern the whole."²

By the year 1692 when Plymouth ceased to be independent, there were under the government seventeen incorporated towns and three plantations, containing 13,000 inhabitants. In all the towns, except three, the Congregational church had been established and provision had been made for its support.

In the same year in which the royal charter had been granted to the Puritans, Mr. Winthrop and nine others assumed the stock and liabilities of the company in considera-

¹ Bradford, p. 303.

² *Records*, Vol. I, p. 16.

tion of certain monopolies. The new company at once decided to transfer the charter and the entire organization based upon it to America. Puritan emigration became, in consequence, very brisk in the following Spring and Summer. The first to come were a company of about one hundred and fifty, chiefly from Dorchester. They organized themselves into a church before leaving England, by choosing a pastor and teacher in a manner like that of the Separatists. John Maverick was elected pastor, and John Warham teacher. In America they settled in a place which they called Dorchester after their English home. This company was followed by about fifteen hundred Puritan emigrants, who established themselves at Charlestown, Watertown, Roxbury and other places. One year after Winthrop's arrival there were eight separate settlements in existence, extending along the coast from Salem to Dorchester, and inland as far as Watertown. By 1640 Puritan enterprise had established eighteen plantations and had organized twenty Congregational churches. There is no doubt that extension would have been even more rapid were it not "for the strong desire for Congregational unity and for religious ministration, which, coupled with the lack of clergy, kept this process from going yet further."¹ Nevertheless, Puritans from the Massachusetts colony began to fill not only Massachusetts but Connecticut, New Hampshire and Maine, and also Rhode Island. In nearly all the plantations or settlements of townships, a church was set up, and, in fact, around the church the township was organized.

In considering the government of Massachusetts in relation to the church, we must remember that until 1692 there were two separate governments, and in them the relations of church and state were not exactly similar. In connection with the Articles of Agreement submitted to the Virginia Company, the history, in part, of the Plymouth colony has already been considered. The church placed first upon a voluntary basis,

¹ Doyle, Vol. I, p. 103.

was taken as early as 1657 under the patronage of the state and maintained in many towns by a tax upon the people.

From the beginning church and state were intimately associated in the Massachusetts Bay colony. In 1631 "to the end that the body of the commons may be preserved of honest and good men, it was (likewise) ordered and agreed that for time to come no man shall be admitted to the freedom of this body politic, but such as are members of some of the churches within the limits of the same."¹

The General Court assumed that all inhabitants, whether citizens or not, received the benefit of both state and church, and were under obligations to support both. In 1638 the court declared that "every inhabitant in any town is liable to contribute to all charges, both in church and commonwealth, whereof he doth and may receive benefit; and withal it is also ordered, that every such inhabitant who shall not voluntarily contribute proportionately to his ability, with other freemen of the same town, to all common charges, as well for upholding the ordinances in the churches as otherwise, shall be compelled thereto by assessment and distress to be levied by the constable, or other officer of the town."² And this is not all; the inhabitants were required to attend upon the Lord's day the preaching provided for them. Absence from church rendered the offender liable to a fine of five shillings or imprisonment.³

In 1644 there was passed the following law directed against the Baptists: "It is ordered and agreed that if any person or persons within this jurisdiction shall either openly condemn or oppose the baptizing of infants, or go about secretly to seduce others from the approbation or use thereof, or shall purposely depart the congregation at the administration of the ordinance, or shall deny ——— and shall appear to the Court willfully and obstinately to continue therein after due time and means

¹ *Records of Mass.*, Vol. I, p. 87.

² *Records*, Vol. I, p. 240.

³ *Records*, Vol. I, p. 140.

of conviction, every such person or persons shall be sentenced to banishment.¹

In 1648 the General Court formally approved the Cambridge Platform, thereby declaring it to be "the duty of the magistrate to take care of matters of religion, and to improve his civil authority for the observing of the duties commanded in the first as well as in the second table." This part of the Platform was retained in the "Confession of Faith owned and consented to by the elders and messengers of the churches assembled at Boston in New England May 12, 1680."²

Every town had to be supplied with a minister, and make provision for his support. The law of 1654 says: Forasmuch as it highly tends to the advancement of the Gospel that the ministry thereof be comfortably maintained, and it being the duty of the civil power to use all lawful means for the attaining of that end, and that henceforth there may be established a settled and encouraging maintenance of ministers in all towns and congregations within this jurisdiction, this court doth order that the County Court in every shire shall (upon information given them of any defect of any congregation or township within the shire) order and appoint what maintenance shall be allowed to the ministers of that place, and shall issue out warrants to the select men to assess, and the constable of the said town to collect the same, and distrain the said assessment upon such as shall refuse to pay; and it is hereby declared to be our intentions that an honorable allowance be made to the ministry respecting the ability of the (inhabitants), and if the towns shall find themselves burdened by the assessment of the County Court, they may complain to this court, which shall at all times be ready to give just relief to all men.³

In 1658-9 the Massachusetts law against Quakers was severe. They were banished from the colony and if found

¹Records, Vol. II, p. 85.

²Cotton Mather's *Magnalia*, Vol. II, Bk. V, Chap. xvii of Confession.

³Records of Mass., Vol. III, p. 354.

within its jurisdiction after once exiled, they were to be put to death.¹ It is not necessary to state all the laws touching the church, made by Massachusetts in her early history. Those that have been quoted plainly show what the relations of church and state were. And it is to be remembered that not Plymouth but the stronger Puritan colony dominated after the union of 1691. Plymouth had set the example for the ecclesiastical organization, but, politically, the Puritans of Massachusetts Bay took the lead. And not only in Massachusetts did Puritan principles, laws and usages prevail, but throughout the greater part of New England. Under the Charter of 1691 every law had to have the consent of the Governor, and then it could be disallowed by the King in Council. "William intended by this," says Isaac Backus, "to prevent their making any more persecuting laws, and it had that effect fifty years after when Connecticut imprisoned men for preaching the Gospel, but Massachusetts could not do so."² It is true that laws were more liberal after than before 1691.

In regard to religious liberty the Charter said: "And for the greater ease and encouragement of our loving subjects inhabiting our said province or territory of the Massachusetts Bay, and of such as shall come to inhabit there, we do by these presents, for us, our heirs and successors, grant, establish and ordain, that forever hereafter there shall be a liberty of conscience allowed in the worship of God to all Christians (except papists), inhabiting or which shall inhabit or be resident within our said province or territory." However, at the first meeting of the General Court under the Charter a law was made compelling every town to "take due care, from time to time, to be constantly provided of an able, orthodox, learned minister or ministers of good conversation, to dispense the Word of God to them; which minister or ministers shall

¹ *Records*, Vol. IV, Part I, pp. 349, 367.

² *Church History of New England*, p. 126, Edition of 1839.

be suitably encouraged and sufficiently supported and maintained by the inhabitants of such towns.”¹ The courts were empowered to punish every town that neglected to make such provision. The selection of the minister was left to the voters of the town. Such was the attitude of Massachusetts towards the church. The church established by law had much to contend with in the less favored opposing sects. Not until after two centuries of struggle, was the State brought to adopt the policy of religious freedom.

Long before the Pilgrims had reached Plymouth a little colony had been planted on the shores of Maine. As early as 1607 George Popham and Raleigh Gilbert conducted a company of pioneers across the Atlantic and established a colony at Sagadahoc. They landed at first on an island. On the Sunday following their arrival, religious services were held and their minister, Mr. Seymour, delivered a sermon. Ten days later, after having decided upon Sagadahoc as their permanent station, they again listened to a sermon by their pastor. These religious services were doubtless held according to the rites and ritual of the Church of England.² At Sagadahoc they intended to plant a great state. An aristocratic form of government was organized, and ordinances and statutes were agreed upon and made public. The state, if it may be called such, endured but a year. The hardships of a New England winter in an unbroken wilderness were more than the colonists could bear. In the following year they returned to England to report that New England was a cold, barren country not inhabitable by the English nation.

The early history of Maine is unlike that of the rest of New England. We are reminded of the southern colonies. Proprietors, whose aims are to build great states, to win wealth and renown, hire their colonists, send them out and

¹ *Acts and Resolves of Province of Massachusetts Bay*, Vol. I, p. 62.

² *The Early History of the Protestant Episcopal Church in Maine*, Maine Historical Collections, Vol. VI, p. 176.

await the returns. It is interesting to read what was contemplated in the charter granted to Gorges in 1639. The Lord Proprietor was to be sovereign, authorized in concurrence with the free-holders to make all laws. He was to appoint all officers, executive, military and ministerial. He could divide his province into cities, counties, towns, parishes and hundreds, and appropriate lands for public uses. "His proprietorship," says Williamson, "was little less than an absolute sovereignty; he being merely subordinate to the Crown and to the Lords Commissioners of Foreign Plantation, as a subject of the realm."¹ It was incumbent upon him, however, to adopt the articles of faith, and forms of ecclesiastical government of the Church of England, and to dedicate all churches in accordance with its ritual. How different has been the history of Maine from what it was designed to be!

The Pilgrims came to Plymouth that they might worship God in the simple ways of the early church. The Puritans had left England to escape conformity. Religion was the prevailing motive in the settlement of Massachusetts. The early settlers of Maine had in view the fisheries, the fur trade and other means of profit. They found no fault with the Church of England. They were pleased to have its ministers among them, and hoped to establish that church upon this continent. As Massachusetts was Congregational so Maine was Episcopal. So unlike itself was the colony or colonies with which Massachusetts came into contact in the first half century of its history. The southern colony was the stronger in character and in numbers. It absorbed its northern neighbor and from 1692, at least, if not from an earlier time, the dominating element in the history of Maine is Puritan. The Church of England may have occupied the territory first, it may have claimed privileges under the Gorges charter, but in spite of all, the Puritans entered the field and Old England

¹ Williamson, *History of Maine*, Vol. I, p. 275.

Episcopacy was compelled to yield to New England Congregationalism.

Numerous attempts had been made in Maine to establish a strong government but all of them had failed. There were at one time four distinct governments, but not one of them strong enough to maintain its existence. Massachusetts had been watching with a jealous eye these establishments, and she put forth her claims to jurisdiction over part of the Maine territory as soon as an opportunity was offered. In 1651 she had her charter examined and it was so interpreted as to put the land that she wanted under her dominion. Jurisdiction over the whole territory now called Maine, was not demanded at once. Claim was first laid to the western section, that bordering on New Hampshire. The General Court at Boston took up the matter and commissioners were appointed to acquaint the Maine people with the grounds and reasons of their claim. There was some opposition to it, but after negotiations, terms of submission were agreed upon. These are interesting as showing on what conditions Puritan Massachusetts was willing to incorporate Episcopal Maine. The towns of Kittery and Agmenticus were the first to submit. The territory was organized as the County of Yorkshire. The towns were to have a standing like that of Massachusetts towns, with representation in the General Court. The inhabitants took the oath of freemen; they were entitled to vote and also became eligible to any office in the government. The Agmenticus and Kittery citizens were thus specially favored; for they enjoyed privileges granted only to church members in Massachusetts. The towns of Wells, Saco and Cape Porpoise submitted to Massachusetts in 1652 and were received on conditions similar to those of Agmenticus and Kittery. The General Court, however, required each town to provide means for supporting a pious minister; for a short time after this portion of Maine had been organized as the County of Yorkshire, the General Court passed the law of 1654.¹

¹*Records of Massachusetts*, Vol. III, p. 354.

Massachusetts had begun to assert her jurisdiction over Maine, and other towns gradually submitted. In 1657-8 Scarborough and Falmouth were admitted and became a part of Yorkshire. In 1664 Massachusetts was ordered to give up Maine in favor of the Gorges heirs. Following this, came the royal commissioners who erected Maine into a government of its own. In 1668 Massachusetts resumed the government of her Maine territory and a few years later extended her jurisdiction to Penobscot Bay. In 1674 the General Court ordered the organization of the County of Devonshire. In 1677 Massachusetts extended her control of Maine by the purchase from the Gorges heirs of the Province of Maine. She assumed the Gorges Charter of 1639, and aimed to organize a government over the Province in accordance with the provisions of the Charter. Thomas Danforth was appointed president. He was assisted by a Provincial Council of eight members. The religion of the Church of England was contemplated by the Charter, and this Massachusetts was bound to adopt in the province. Williamson says that the Charter of Gorges was "neither silent nor definite upon the subject of religion, in its letter only, paying special deference to the Episcopal Communion; however, the Province Rulers were actuated by the orthodox principle prevalent in Massachusetts." In proof of this Mr. Williamson cites an instance of persecution of Baptists. All who had attended the Baptist meeting were summoned before the Council and "threatened with a fine of five shillings if they presumed again to offend in this way." Their leader, a Mr. Screven, was fined ten pounds for his past offense, and ordered to cease holding religious exercises especially on the Sabbath. He refused to submit to this order; the court therefore passed sentence upon him; "that he in future forbear from his turbulent and contentious practices; give bond for good behavior; and stand committed till the judgement of court be complied with."¹

¹ Williamson, Vol. I, p. 570.

Maine did not long continue to be governed in this way by Massachusetts. In 1684 the Massachusetts Charter was declared forfeited, which separated the two colonies. During the period of revolution in England the Government of Maine was weak and disordered. In 1691 Massachusetts attempted to resume its old government, and Mr. Danforth was again elected President of Maine. A few months later the Charter of William and Mary was granted, and Maine became an integral part of Massachusetts and continued so for nearly one hundred and thirty years. In accordance with this Charter the province of Maine was entitled to three members in the Council or upper house, and Sagadahoc to one. For the lower house, representatives were elected by the corporate towns. In the first assembly there were eight representatives from Maine.

Maine, as a part of Massachusetts, was governed by its Puritan laws until 1820. The Congregational church was established and its ministers chosen by the church in concurrence with the voters of the town. Not unfrequently ministers of other denominations, particularly Presbyterians, were chosen. But Congregationalism had spread through New England and the members of that church soon controlled the majority of votes and, in consequence, when ministers were to be chosen, they were selected from the Congregationalists.

The motives that prevailed in the colonization of New Hampshire were economical rather than religious. Piscataqua was settled under the auspices of a company of Plymouth merchants; Dover by London merchants, Exeter by the heretic Wheelwright and his associates; Hampton by the Puritans, as an assertion of their claims to land in the Mason grant. The three former continued as independent governments for several years; but, at length, feeling the inconveniences of weak governments, sought the protection of Massachusetts; Dover and Piscataqua in 1641, Exeter in 1643. They were then governed by the laws of Massachusetts and, when they were incorporated, the inhabitants received

citizenship without regard to their connection with any church. During the remainder of the seventeenth century few settlements were made in New Hampshire, owing largely to the numerous conflicting claims to the land. No title was secure.

It was not until the second quarter of the eighteenth century that the colonization of New Hampshire can be said to have begun. The Mason claims were purchased by a company who promised not to insist strenuously upon the old claims. Towns were now laid out and, as in Massachusetts, provision was at once made for the support of the gospel. It was required of the grantees of Andover "that a meeting-house should be built within eight years after the grant and preaching of the gospel constantly maintained."¹ Provision for religion was commonly made in New Hampshire towns. Many towns were without ministers for years at a time, but the fault was the scarcity of ministers and not that the state had made no provision for their support. Massachusetts laws governed in this as they did in other matters in New Hampshire.

New Hampshire cannot be said to have had any laws of her own before 1691. Doubtless the law of England was taken as the law for the government of the colonists during the early period. From 1641 to 1680 the law of Massachusetts governed the people. In 1679 New Hampshire was made a separate province by a proclamation from the Crown, and in the following year the first New Hampshire legislature was organized. The laws made by this legislature, however, were never enforced because they failed to receive the royal approbation ; nor were they ever printed. Two years later other laws were enacted but these met with the same fate. In an article on New Hampshire Laws preserved in the New Hampshire Historical Collections a writer says : "The loss of these statutes is hardly to be regretted. Where they were copied from Massachusetts we have the original and where they differed, they

¹*New Hampshire Historical Collections*, Vol. I, p. 17. (Farmer and Moore.)

were a dead letter.”¹ During the sway of Cranfield, Andros and the royal governors, religious liberty was pretended and the religion of the Church of England encouraged. In 1690 an assembly was called at Portsmouth and voted to re-annex New Hampshire to Massachusetts. This union was of short duration; it was dissolved by the charter of 1691 and New Hampshire again became an independent province. In 1719 a compilation of the laws was published. Another edition was published in 1726. From a reprint of this edition is quoted the following laws concerning the church, passed in 1714: “Be it enacted by His Excellency, the Governor, Council and Representatives convened in General Assembly, and by the authority of the same, That it shall be lawful for the freeholders of every respective town within this Province convened in public town meeting, as often as they shall see occasion to make choice of, and by themselves, or any other person or persons by them appointed, to agree with a Minister or Ministers for the supply of such town, and what annual salary shall be allowed to him or them; and the Minister or Ministers so made choice of and agreed with shall be accounted the settled Minister or Ministers of such town; and the Selectmen, for the time being, shall make rates assessments upon the inhabitants of the town for the payment of the Minister’s salary, as aforesaid, in such manner and form as they do for defraying of other town charges, which rates by warrant from a Justice of the Peace, with the selectmen, or major part of them, directed to the constable or constables of the town, shall be by him or them collected and paid according to the direction of the Selectmen, for the end aforesaid :

“*Provided always*, That this Act do not at all interfere with Her Majesty’s grace and favor in allowing her subjects liberty of conscience; nor shall any person under pretence of being of a different persuasion be excused from paying towards the support of the settled minister or ministers of such town afore-

¹ Farmer and Moore’s *Collections*, Vol. III, p. 203.

said ; but only such as are conscientiously so and constantly attend the public worship of God on the Lord's Day according to their own persuasion, and they only shall be excused from paying towards the support of the ministry of the town." This law remained unchanged in the edition of the laws published in 1761. It shows clearly the standing of the church with reference to the state.

The Puritans and Pilgrims had not been long established in Massachusetts before they were attracted by the beauty and fertility of the Connecticut Valley. As early as 1633 the enterprising colonists of Plymouth had established a trading-house at Windsor. Two years later the younger Winthrop came with a commission from the proprietors of the Connecticut territory and established a fort at the mouth of the Connecticut, which he called Saybrook. The more important settlements, however, were those begun in 1635 at Windsor, Hartford and Wethersfield under the inspiration of Hooker, Stone and Haynes. The main body of these settlers came from Roxbury, Watertown, Dorchester and Cambridge, in Massachusetts, and reached Connecticut in the Spring of 1636. The general affairs of the new colony were guided for the first year by Commissioners appointed by the General Court of Massachusetts. At the expiration of that time, the colonists organized the General Court of Connecticut and in 1639 adopted a constitution. An oath of allegiance to the state was the only qualification of citizenship. Various religious opinions were tolerated.

About the same time another Puritan colony established itself in Connecticut, at New Haven. It was under the guidance of John Davenport and Theodore Eaton. In April 1638 they organized temporarily under the "plantation covenant." In 1639, when they were ready to organize their government, Mr. Davenport preached a sermon from the text "Wisdom hath builded her house, she hath hewn out her seven pillars," showing the propriety of appointing a government of seven men. The church was first organized. Twelve electors were

chosen to appoint the "seven men who, as pillars, were to begin the new church." The seven then associated with themselves in church membership nine others, and these sixteen constituted the freemen of the little independent state. They resolved "that the Word of God should be the only rule to be attended unto in ordering the affairs of government."¹ The church members formed their civil government and elected its officers. Seven were chosen, a governor, four deputies, a secretary, and a sheriff. "New Haven," says Bancroft, "made the Bible its statute-book and the elect its freemen. As neighboring towns were planted each constituted itself a house of wisdom, resting on its seven pillars, and aspiring to be illumined by the eternal light."² However, as the plantation grew larger and new settlements were made, the system of government changed and assumed a form like that of the Connecticut or Massachusetts Bay colony.

The little military station at Saybrook was in 1644 sold to Connecticut. New Haven and Connecticut continued independent of each other until 1662 when they were united by a royal charter.

It is easy to anticipate what would be the policy of Puritan Connecticut with reference to the church. The one colony, Connecticut, had come out of Massachusetts and it aimed to follow the mother colony in its principal features. The other, New Haven, made church and state identical, resolving in all things to be governed by the Word of God.

In 1644 the Commissioners of the United Colonies recommended that each man "be voluntarily set down what he is willing to allow" for the support of the Gospel; and if any refuse to pay a meet proportion, he should be compelled to pay. The Connecticut colony voted that the recommendation shall "stand as an order for this jurisdiction, to be executed

¹ Quoted in Palfrey's *History of New England*, Vol. I, p. 228.

² Bancroft, Vol. I, p. 272.

accordingly where there shall be cause.”¹ This remained the law long after the union of the Connecticut colonies. The Charter of 1662 was silent as to religious rights or privileges.

In 1669 the Congregational church was formally approved. The public records of this year say: This Court having seriously considered the great divisions that rise amongst us about matters of church government, do declare that whereas the Congregational churches in these parts for the general of the profession and practice have hitherto been approved, we can do no less than still approve and countenance the same to be without disturbance until better light in an orderly way doth appear.

To the inquiries of the Committee for Trade and Plantations the Colony in 1680, among other things, replied:

“Our people in this Colony are, some strict Congregational men, others more large Congregational men, and some moderate Presbyterians; and take the Congregational men of both sorts, they are the greatest part of people in the Colony.

“There are four or five Seven-day men in our Colony, and about so many more Quakers.

“Great care is taken for the instruction of the people in the Christian religion, by ministers’ catechizing of them,” etc., “and by masters of families instructing and catechizing their children and servants, being so required to do by law.”

“In our Corporation are twenty-six towns, and there are one and twenty churches in them.

“There is in every town in our Colony a settled minister, except it be in two towns new begun, and they are seeking out for ministers to settle amongst them.

“For the maintenance of the ministers, it is raised upon the people by way of rate, and it is in some places £100, etc.”²

¹ *Colonial Records of Connecticut*, Vol. I, pp. 111–112.

² *Records*, Vol. III, pp. 299–300, 1678–1689.

In 1717 an act "of the better ordering and regulating parishes or societies, and for their supporting the ministry and schools," *provided* for the election of the town minister by a majority of the voters and empowered the town to levy taxes for his support.¹

When we consider the history of Rhode Island we cannot fail to notice to what extent it reflects the early history of the rest of New England, particularly of Massachusetts. Dissatisfaction with the Church of England, Non-conformity planted Massachusetts. Dissatisfaction with the Church of Massachusetts and, we may add, Non-conformity planted Rhode Island.

In 1631 Roger Williams landed in Massachusetts. His ideas and theories of church and state were not at all in accord with those of the Puritans. He insisted upon absolute separation of the civil and ecclesiastical organizations. With the Puritan the two were most intimately associated. There were other differences of opinion between him and the colonists. He considered it a sin worthy of repentance ever to have been in communion with the Church of England. He disputed the right of the King to give a patent of American territory before it had been purchased from the natives. A conflict with the Massachusetts government was inevitable.

Williams served as pastor of the Salem church for a short time in spite of the remonstrances of the General Court. In October, 1635, he was called upon to answer for his teachings. The outcome of the trial was his banishment from the colony. The Court considering the season of the year, allowed him to remain for six months. This time he employed in gathering a congregation, although the Court had especially forbidden his doing any work of this kind. He was ordered, in consequence, to be seized and sent to England. Williams, however, escaped and joined by others of like mind, in the summer of 1636, organized the plantation of Providence. Other plantations were formed in the Rhode Island territory about

¹ *Records*, Vol. IV, p. 33, 1717-1735.

this time. It is not necessary to give in detail a description of their founding. The ideas of Williams became predominant, particularly his idea of the relation of church and state. The need of mutual protection soon brought about a union of the Rhode Island towns. Then their desire to have a more perfect title to lands that they had purchased from the Indians, led the towns to apply for a charter. In 1644 a charter was obtained and the Colony became "the Incorporation of Providence Plantation in Naragansett Bay in New England." After the Restoration a second charter was obtained which made the Rhode Island Colonies a "Body Corporate and Politic in fact and name, by the name of the Governor and Company of the English Colonies of Rhode Island and Providence Plantation in New England in America." What is most interesting in this charter is its provision for religious liberty. In their petition for the charter the colonists had said "it is much on their hearts (if they be permitted) to hold forth a lively experiment, that a most flourishing civil State may stand, and best be maintained, and that among our English subjects, with a full liberty in religious concernments, and that true piety, rightly grounded upon Gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligation to true loyalty." In response to this the charter that was granted said: "that we, willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all their civil and religious rights appertaining to them as our loving subjects, and to preserve unto them that liberty in the true Christian faith and worship of God which they have sought with so much travel, and with peaceable minds and loyal subjections to our royal progenitors, and ourselves to enjoy; and because some of the people and inhabitants of the same colony cannot, in their private opinions, conform to the public exercise of religion, according to the liturgy, form and ceremonies of the Church of England, or take or subscribe the oaths and articles made and established

in that behalf; and for that the same, by reason of the remote distances of these places, will, as we hope, be no breach of the unity and uniformity established in this Nation, have therefore thought fit, and do hereby publish, grant, ordain, and declare, that our royal will and pleasure is, that no person within the said colony at any time hereafter, shall be molested, punished, disquieted or called in question, for any differences in opinion in matters of religion, and do not actually disturb the peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and lawfully have and enjoy, his and their own judgments and consciences, in matters of religious concerns, throughout the tract of land here before mentioned, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness, nor to the civil injury or outward disturbance of others, any law, statute or clause therein contained or to be contained, usage or custom of this realm, to the contrary hereof, in any wise notwithstanding."

Hough, in his *American Constitutions*, commenting on this feature of the charter, says: "This broad and liberal grant of liberty of opinion in matters of religious faith is among the earliest examples of that toleration which now prevails in every State in the American Union; but at the time when it was asked and obtained, it formed a striking and honorable contrast with the custom and laws of the neighboring colonies."¹ With the exception of a few years, during the period of royal governors for New England, this charter remained the fundamental law of Rhode Island until the present century.

Vermont was the last of the New England states to be colonized. Little was known of this territory in the first half of the eighteenth century. Grants of land had been made by both Massachusetts and New Hampshire, and Fort Dummer had been built by the Massachusetts government. A few

other settlements had been made, but it was not until the French and Indian War that the people became acquainted with its excellent climate and fertile soil. Before the war New Hampshire had chartered sixteen townships west of the Connecticut, but there were few inhabitants there, amounting in 1760 to not more than three hundred. Three years after the war, New Hampshire had chartered one hundred and twenty-eight townships in the Vermont territory. New York also claimed jurisdiction over it, and during the fifteen years following the French and Indian wars, had made grants for nearly two and a half million acres of its land. New York and all New England had contributed colonists for this territory.

The question of jurisdiction was decided by the Crown in 1764. New Hampshire was restricted to the territory east of the Connecticut. The Vermont region was placed under the jurisdiction of New York. The latter colony now declared the New Hampshire grants illegal and tried to compel the grantees to repurchase their lands. The Vermont settlers refused to do this and a controversy with New York lasting several years began. In the war of the Revolution, Vermont joined with the other colonies but she fought at the same time for her own independence of New York. On the 17th of January, 1777, she declared her independence and in the same year drafted a constitution for her government. Efforts were made at this time by the British to win the new republic to their side but without success. After repeated efforts to be admitted into the union of the United States, she finally succeeded, but not until 1791.

In ecclesiastical matters the Vermont towns, especially those chartered by New Hampshire, were governed as other New England towns. A more liberal policy was prevailing when these townships were organized. Religious liberty had made decided progress. Where the New York jurisdiction could be maintained, the Church of England was specially encouraged. But in the great majority of towns the voters estab-

lished the church, the Congregational, to which they had been accustomed before coming to Vermont. DePuy in his *Ethan Allen and the Green Mountain Heroes of 1776* tells how the church was established in Bennington. He tells us that in 1761 Bennington was settled. A church was constructed and paid for, "partly by individual contributions and partly by a tax on the proprietors of the towns.

"The Cambridge Platform was adopted except such parts as admitted, according to the New England fashion of that day, the aid of the civil magistrates in enforcing the support of the ministry, and their coercive power over the church in other matters. They called themselves Congregationalists, others called them Separatists."¹

The relation of church and state becomes clearer after the adoption of the Constitution of 1777. The following is Article III of the Declaration of Rights in this constitution :

"That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understanding, regulated by the word of God; and that no man ought, or of right, can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man who professes the Protestant religion be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiment, or peculiar mode of religious worship, and that no authority can, or ought to be vested in, or assumed by, any power whatsoever, that shall in any case, interfere with, or in any manner control, the rights of conscience, in the free exercise of religious worship; nevertheless, every sect or denomination of people ought to observe the Sabbath, or the Lord's day, and keep up and support, some sort of religious worship, which to them shall seem most agreeable to the revealed will of God."²

¹ De Puy, pp. 140, 141.

² *Records of the Council of Safety and Governor and Council of the State of Vermont*, Vol. I, p. 93.

No provision was made for the public maintenance of a church until six years after the constitution was adopted. In 1783 a law was made to enable towns and parishes to erect proper houses for public worship, and support ministers of the Gospel. Many of the towns availed themselves of this privilege, and thus Vermont followed in the footsteps of her sister states in New England.

CHAPTER III.

THE DEVELOPMENT OF RELIGIOUS LIBERTY IN THE SEVENTEENTH CENTURY TO 1691.

A study of the history of the great Reformation reveals many triumphs for the cause of liberty, civil and religious. There were to be many conflicts, many a martyr had to sacrifice his all before civilization was enriched with the element of individual liberty. In the midst of these conflicts America was colonized, and for American soil was reserved the scene of the struggle that was to end in the culminating triumph, the complete separation of church and state.

Early in the history of Puritan New England forces manifest themselves whose tendency is to bring about a more perfect religious liberty. Those whose importance becomes considerable in the seventeenth century down to the year 1691, will be treated in this chapter.

During the first thirty years of her history, the chief colony, Massachusetts, had been conducting her affairs in a manner that was sure to raise up enemies against her. The expulsion of the Browns for their adherence to the ritual of the Church of England, the banishment of Roger Williams, justified as it may have been by political expediency, the banishment of the Antinomians, Wheelwright and Mrs. Hutchinson, the driving out of those who denied infant baptism, the harsh treatment of the Quakers, the restriction of the franchise excluding even members of the Church of England, the aggressive measures adopted to extend her jurisdiction over Maine and New Hampshire, all these were acts for whose consequences the

Puritan colony was to be held responsible. The Restoration in the mother country brought a general complaint against Massachusetts. The colonists were not slow to see their danger. They had agents at work to justify their actions, to resist all encroachment on what they called their liberties, and to counteract the influence of the complainants. The colony was to a good extent successful in her defence against attack. It is not easy to say to what extent the administration of Massachusetts was modified by the orders of the King. But it is certain that by the complaints of the Quakers, the King was induced to send a letter to Governor Endicott, ordering that further proceedings against the Quakers should be suspended, and that those who were languishing in prison should be sent to England. Shattock, a Quaker who had been scourged and banished from the colony, was charged with bringing the letter to Massachusetts. The order of the King was promptly obeyed, and all Quakers were released from prison. Less than a year before this Massachusetts was condemning Quakers to death; now she released them from prison. The reason for this change is not found altogether in the letter of the King but in the change in the sentiments of the colonists. The Puritans were not the hard-hearted, unrelenting persecutors that they are often represented to be. It is to be remembered that the political life of Massachusetts for the first thirty years was very precarious. Toleration of men of the Roger Williams or Wheelwright types, or of the Quakers, meant internal dissension and disunion, with all their consequences. For self preservation a State may adopt unusual measures. We do not know just how far political expediency entered into the banishment of dissenters. But from the time when Massachusetts was compelled to adopt a severe policy, there was a party of opposition, a party in favor of liberality and charity.

In 1661 Christison who had been banished and threatened with death on his return, did return, was condemned to die, but the sentence was not carried out. The opposition to

extreme measures was too great. The law for capital punishment was not at once repealed but it became inoperative from this time. Not until later in the same year was the King's letter received. "The royal edict," says Doyle, "did but accelerate and give effect to the feeling of an influential party in the colony. A true instinct taught Endicott that the day had passed away for him and for those who thought with him. The power of the priesthood was broken. Public opinion was being transformed, as it was transformed in the mother country. Earnest orthodoxy was slowly learning true tolerance; conventional orthodoxy was lapsing into indifference."¹ It is true that toleration of the Quakers was not yet to be. The King wrote a second letter in which he said that it was found necessary in England to make a sharp law against them, and that there is no objection to the colonists' doing likewise. Massachusetts, however, did not do likewise. The year 1661 saw more liberal principles prevailing in her administration. A more enlightened sentiment was abroad in the colony. It began to develop in the first decade of Massachusetts' history, in the time of the Roger Williams and Antinomian controversies. The punishment of Baptists made the opposition stronger. The party in power made severe laws against this sect but it was difficult to enforce them unsupported, as they were, by many of the people. With the execution of the Quakers came a reaction that placed in power the opposition party, the party of liberality, of justice and humanity. Massachusetts had taken the first step towards religious freedom. The colony, too, had grown stronger; the speeches and actions of one man could no longer put in jeopardy the very life of the little state. A more liberal policy was now possible.

The punishment of dissenters did not enter so prominently as a factor in the development of religious liberty in the other colonies as in Massachusetts. A liberal policy always prevailed at Plymouth. As early as 1645 there was a majority

¹ Doyle's *Puritan Colonies*, Vol. II, p. 114.

in favor of "full and free toleration to all men that would preserve the civil peace and submit unto the government." The law against Quakers, passed in 1655, distinctly prohibited any punishment causing injury to life or limb. As to Baptists, their own historian, Backus, says: "They (Baptists) were in Plymouth colony, where they had ever enjoyed much more liberty than any had in Massachusetts."¹ The Plymouth colonists had learned toleration before they came to America.

In Connecticut the influence of Winthrop was directed in opposition to persecution. Laws were made against Quakers; they were imprisoned until they could be sent out of the colony. A toleration law was passed as early as 1669. In this year the General Court declared "that all such persons being also approved according to law, as orthodox and sound in the fundamentals of Christian religion may have allowance of their persuasion and profession in church ways or assemblies without disturbance."² This law on its surface seems fair and liberal; but it was doubtless rigidly enforced until, at least, the close of the century.

While we are considering the influence of a rigid policy towards dissenters in the development of religious liberty, we cannot pass over Rhode Island's history. Religious liberty prevailed there from its foundation. We have in this colony the first fruits of persecution. The colony was planted by exiles for the cause of religion, and this fact largely explains its liberal spirit.

The political life of Massachusetts or of any of the colonies cannot be separated from that of the mother country. The Restoration, as we have seen, was not without its influence in America. In 1661 the General Court of Connecticut agreed to send a congratulatory letter to the King "thereby declaring and professing themselves, all the inhabitants of the Colony,

¹ *Church History of New England*, p. 94.

² *Records*, Vol. II, p. 109.

to be His Highness's lawful and faithful subjects."¹ At the same time they sought from the Crown a continuance and confirmation of the privileges necessary to the welfare of the colony. Later in the same year, Winthrop sailed for England for the special purpose of obtaining a charter. He was successful, and in the following year the charter was granted. It has an important bearing on the progress of religious liberty because it incorporated the New Haven colonies or towns with Connecticut. The union was not at all agreeable to New Haven, but after negotiations lasting about two years she submitted. It will be remembered that the New Haven towns based their government on the Bible. Only church members in good standing enjoyed the franchise. All this was done away with and it was a step in the direction of entire religious liberty in New England. New Haven was reluctant to abandon the religious test for citizenship. Connecticut, however, had just won the favor of the Crown, and she knew she would risk losing it, if she did not insist upon a more liberal franchise. A compromise was agreed upon; instead of church membership, a certificate from the deacons and selectmen that the man was of a "religious carriage and competent estate" was all that was required.

The colonists of Rhode Island were the first to recognize the Restoration, and declared a general holiday to celebrate it a whole month before any of the other colonies formally acknowledged it. In 1663 they petitioned the King for a charter. In their petition they gave their ideas of religious toleration, as was pointed out in the previous chapter. The charter that they received permitted them to organize a state in which all denominations should be on an equality. Not one was to be specially favored by the State. The gain for Rhode Island at this time was, therefore, that religious liberty was placed upon a constitutional basis.

¹ Quoted in Palfrey's *History of New England*, Vol. II, p. 39.

Attention has before been called to the fact that at the Restoration there was a general complaint made against Massachusetts. No appeal to the Crown met with greater sympathy than that of the large number of disfranchised inhabitants. Massachusetts began with a very narrow policy. Only church members, as we have seen, were permitted to vote. It is not necessary here to consider the purpose of such a law. It shows the close union of church and state and its repeal aided in bringing about the final dissolution of that union. Ten years after the law was enacted the colony found it a source of embarrassment. In 1641-3 when her jurisdiction was extended over the New Hampshire towns, for the satisfaction of the inhabitants there she was compelled, as was pointed out in a previous chapter, to abandon the religious qualification for citizenship. The property qualification only was insisted upon. The inhabitants of Maine were admitted as citizens on the same terms. The church membership qualification was evidently too narrow for the aggressive policy of Massachusetts in the extension of her territory. That it was not enforced in Maine and New Hampshire, and that their inhabitants enjoyed privileges refused to many men of Massachusetts, doubtless had an influence in repealing the law altogether. Uniformity in the franchise could fairly be asked for. That it was asked for may gathered from the subsequent history of the colony.

About the time the New Hampshire towns were incorporated the General Court formally considered the question of conferring some of the privileges of citizenship upon those who were not church members. No action, however, was taken upon the question. Winthrop says that the matter was referred to the next Court, in order that, in the meantime, letters could "be written to other colonies to advise with them about it."¹ Two years later, in 1646, an organized effort was

¹*History of New England*, Vol. II, p. 160.

put forward by the disfranchised to obtain the freedom of the colony. They first drew up a petition to Parliament "pretending that they, being free-born subjects of England, were denied the liberty of subjects, both in Church and in Commonwealth, themselves and their children debarred from the seals of the covenant, except they would submit to such a way of entrance and church government, as their consciences could not admit, and take such a civil oath as would not stand with their oath of allegiance, or else they must be deprived of all power and interest in civil affairs, etc." "And now at this court at Boston," Winthrop continues, "a petition to the same effect, much enlarged, was delivered in to the deputies."¹ The petitioners threatened to send their appeal to parliament if their requests were not granted. This threat was of no avail; their requests were not granted but formal charges were brought against the petitioners and as a result, they were compelled to pay heavy fines. There is little doubt, however, that the agitation by those excluded from civil rights continued; for a few years later the subject of Baptism brought up the question in another form. The disfranchised now formed a political faction, whose growing strength and power the Massachusetts colony was bound to respect sooner or later.

After the incorporation of the Maine and New Hampshire inhabitants as citizens, whether church members or not, came the adoption of the Half-way covenant to extend the franchise beyond its narrow limits. The question involved was largely an ecclesiastical one but it had political features of importance. It was a question of baptism. The early Puritans were members of the church and brought their children to baptism. By the year 1660 many of the children had become adults and were themselves heads of families. Some of these were not members of the church, as for church membership was required evidence of regeneration. There now arose the question whether they could bring their children to baptism.

¹ *History of New England*, Vol. II, p. 261.

But this question had to be answered negatively, as that was a privilege accorded only to church members in full standing. There was a large party in favor of regarding all who had been baptized in infancy, as members of the church. For five years the question was discussed. It assumed greater importance because in Massachusetts church membership was a condition for citizenship. By the political feature of the question its solution was largely determined, and how far it entered into the politics will be seen from its influence upon a subsequent election. At a synod of the clergy in 1657, the opinion prevailed that baptism in infancy brought with it church membership. This was called a *Half-way* covenant as those who came into the church by virtue of their baptism were not to be received in full connection. The decision of the clergy was approved by the General Court of Massachusetts in 1662, which decided the question of citizenship for this colony. The General Court of Connecticut sanctioned the same view two years later but its political significance was unimportant here, as by the union of the New Haven and Connecticut colonies the religious qualification for citizenship was abolished.

The extension of the franchise was a reform loudly called for. In so far as this was accomplished by the Half-way covenant its results were beneficial. To a considerable extent, therefore, the question of baptism became a political one. Not all the churches were willing to adopt the covenant. The church at Boston was divided. A majority held to the more liberal view. At the death of the pastor of the church, the minority won over enough votes to call the Rev. Mr. Davenport of New Haven to the pastorate. He was an out and out opposer of the covenant. The majority now seceded, asked for a dismissal and permission to organize a separate church. Their requests were not granted. A synod of clergymen advised them to go ahead with their plans. The Governor, a sympathizer with Davenport, exerted a strong influence in his behalf. At the subsequent meeting of the General Court, a committee was appointed by the deputies to inquire into the

causes of God's displeasure with the colony. In its report the committee censured the seceders of the Boston church. The question became an issue at the next election. Only twenty of the fifty deputies were re-elected to the new House. The Court at its first meeting took up the Boston church question, reversed the decision of the previous house, and declared "that they know no just cause of those scandalizing reflections against the magistrates, elders and churches, either in reference to the new church of Boston or otherwise."¹ "The victory," says Mr. Doyle,² "of the seceders, for so we may call it, is a turning point in the ecclesiastical, and therefore in the political, history of New England. It was none the less a gain to the cause of freedom, because, like most such victories, it was won by men who were consciously fighting only for their own privileges."

The restricted franchise was attacked by the excluded at home, and, after the Restoration the King insisted upon reforming this feature of the colony's policy. In 1662 the advisers of Charles II. wrote to the colonists that it was desired "that all *freeholders of competent estates*, not vicious in conversation and orthodox in religion (though of different persuasion in church government) may have their votes in the election of all officers, civil and military." Massachusetts was not yet ready to yield. In 1664 the Commissioners for New England were appointed and one of their chief duties was to remove the restriction from the franchise and secure greater freedom in matters of religion. Doyle declares that "from every point of view the Commission was a hopeless failure."³ It certainly failed in its effort to bring about the repeal of the law making church membership a condition of citizenship. At the first General Court after the arrival of the Commissioners a substitute law was passed, but so exacting were its conditions that

¹ *Massachusetts Records*, Vol. IV, Part II, p. 493.

² *Puritan Colonies*, Vol. II, p. 194.

³ Doyle, *Puritan Colonies*, Vol. II, p. 142.

the change from the old to the new law amounted to little or nothing. The records of the time say: "In answer to that part of His Majesty's letter of June 28, 1662, concerning admission of freemen, this Court doth declare, that the law prohibiting all persons except members of churches, and that also for allowance of them in any county courts, are hereby repealed; and do hereby also order and enact that from henceforth all Englishmen presenting a certificate under the hands of the ministers or minister of the place where they dwell, that they are orthodox in religion and not vicious in their lives, and also a certificate under the hands of the selectmen of the place, or of the major part of them, that they are freeholders and are for their own proper estates (without heads of persons) rateable to the country in a single country rate, after the usual manner of valuation, in the place where they live, to the full value of ten shillings, or that they are in full communion with some church amongst us, it shall be the liberty of all and every such person or persons, being twenty-four years of age, householders and settled inhabitants in this jurisdiction, from time to time, to present themselves and their desires to this Court for their admittance to the freedom of the Commonwealth, and shall be allowed the privilege to have such their desire propounded and put to vote in the General Court for acceptance to the freedom of the body politic by the suffrage of the major part, according to the rules of our patent."¹

A certificate from the minister that the candidate for citizenship was orthodox in religion and not vicious in life, and a certificate from the selectmen that he was otherwise qualified, had to be presented to the General Court. His application was then considered and his admission decided by a vote of the Court. The law was doubtless rigidly enforced; for King Charles, in his subsequent letters to Massachusetts, assumes that no change whatever had been made in the law.

¹ *Records*, Vol. IV, Part II, pp. 117-118.

The commissioners were appointed to secure liberty in religion in Massachusetts. In this they also failed; for, after their departure, affairs continued in their usual course several years longer. There is, of course, not the severity that characterized Massachusetts' early history; but the opposition to dissenters is still strongly felt. In 1668 a congregation of Baptists established themselves on Noddle Island, in Boston harbor. The magistrates tried to get rid of them, first by winning them over in public discussion. In this they were not successful. Three of the Baptists were then sentenced to banishment, and threatened with imprisonment should they return. The authorities, however, were advised not to enforce the sentence. The sentiment of the colony would not support it. The dissenters were not banished; they gathered their church on the Island, and were not molested. Five years later one of their number wrote: "The church of the baptized do peaceably enjoy their liberty."¹ Even in Plymouth colony there remained some opposition to dissenters. As early as 1663 the Baptists in Rohoboth "solemnly covenanted together as a Church of Christ."² Complaint was made against them because there was a Congregational church there; in consequence a small fine was imposed upon them. Four years later, however, the town of Swansea was granted to them by the Court itself. A Baptist church was organized, and it flourished there for many years.

In 1665 the Commissioners in their report said of Connecticut that it would not "hinder any from enjoying the Sacraments and using the Common Prayer Book, provided they hinder not the maintenance of the public minister."³ This tolerant spirit in the colony developed sufficiently by 1669 to enact the Toleration law, already quoted. Dissenters, however, had to be "approved, according to law, as orthodox and sound in the fundamentals of Christian religion," in order to

¹ Quoted in Palfrey, Vol. II, p. 104.

² Backus, p. 94.

³ See Beardsley's *History of Church in Connecticut*, Vol. I, p. 16.

have "allowance of their persuasion and profession in church ways." Just how much liberty was enjoyed under this law it is difficult to say. "Orthodox and sound," according to Puritan ideas, did not apply to many. Dr. Beardsley, in his *History of the Episcopal Church in Connecticut*, says:¹ "For there was no letting up of the Puritan rigor, no relaxation of the rule that none should have liberty to worship God publicly except after the order of religion established by the civil government, until 1708."

The Royal Commissioners of 1664-5 had accomplished nothing. Ten years later the mother country again undertook to call the colonies, particularly Massachusetts, to account. In the dispute with the colony, which began in 1675, and resulted in vacating the charter in 1684, an important subject of contention was that bearing on religious liberty. While the Massachusetts agents, Stoughton and Bulkeley, were in England to bring about a reconciliation, the Baptists stealthily built a church in Boston. It was not known to be a church until the Baptists met for services. Later the General Court voted to take the house away from them if they continued to worship there. The Baptists lost no time to report the matter in England. When the colony's agents returned in 1679, they brought with them a letter in which the King said: "We shall henceforth expect that there shall be suitable obedience in respect of freedom and liberty of conscience, so as those that desire to serve God in the way of the Church of England, be not thereby made obnoxious or discountenanced from sharing in the government, much less that any other of our good subjects (not being Papists) who do not agree in the Congregational way, be by law subjected to fines or forfeitures, or other incapacities, for the same; which is a severity the more to be wondered at, whereas liberty of conscience was made one principal motive for your first transportation unto those parts."² In spite of this letter, by order of the Court,

¹ Vol. I, p. 16.

² Backus, p. 121.

the Baptist church doors were nailed and the congregation forbidden to meet there. The church was afterward opened in some way, and the Baptists again held services. They were summoned before the Court, where they argued that the church had been built before the law was enacted; and, further, that the letter of the King was in their favor. The Court forgave their past conduct, but forbade future meetings of Baptists in the church. Doubtless, the controversy with the King and his recent letter had considerable influence upon the Court in its mild treatment of these dissenters.

In the following year the General Court taking into consideration the King's objections to their laws voted to repeal the law "for punishing with death Quakers returned from banishment."¹ At the same time the law against heresy was amended. In 1682 the agents sent to England in response to the King's demands, were specially instructed to inform the King that there was now no law prohibiting any members of the Church of England from civil privileges, and that the laws against "violent and impetuous intrusions of the Quakers had been repealed;" Anabaptists were "subject to no other penal statutes than those of the Congregational way;"² the church membership qualification for citizenship, too, was abolished. All this shows that the religious exclusiveness of Massachusetts was a chief cause of complaint against her. In 1684 her charter was declared forfeited. Under the Royal governors until the Revolution, religious liberty made no progress in New England. The government was changed after the accession of William and Mary. Connecticut and Rhode Island resumed their governments under their old charters. Massachusetts received a new one and organized its government on the new basis in 1692. Plymouth and Maine were associated with Massachusetts. New Hampshire was made a royal province. The new charter for Massachusetts distinctly provided for liberty of conscience to all, except papists, as was

¹ Palfrey, Vol. II, p. 239.

² Palfrey, Vol. II, p. 242.

seen in the previous chapter. The year 1692 marks the beginning of a new era for Massachusetts. The colony, however, was yet far from religious freedom. All citizens were compelled to support the Congregational church ; but progress had been made, and the day when dissenters should be exempted from taxes for the state church was not far distant.

We have noticed three forces tending to promote religious liberty in the seventeenth century. (1). Persecution of dissenters, in the early history of the colonies, met with opposition and developed a spirit of toleration, which made its influence felt in Rhode Island from the foundation, in Massachusetts from 1661, and in Connecticut, though not to any great extent here, from the year 1669. (2). The extension of the franchise, in Connecticut by the Charter of 1662, in Massachusetts by the incorporation of Maine and New Hampshire towns, and by the Half-way covenant, gave the privileges of citizenship to many not enthusiastic for, and perhaps, not at all in sympathy with, the church established by law. In consequence, a new element, in opposition to narrowness and in favor of liberality of policy, appears to foster a healthier public opinion. (3). The controversies of Massachusetts with the Crown forced that colony to amend or repeal laws restricting freedom in matters of religion.

CHAPTER IV.

DEVELOPMENT OF RELIGIOUS LIBERTY IN THE EIGHTEENTH CENTURY TO 1787.

The Charter of 1691 marks an epoch in the history of Massachusetts. The long struggle that arose because of the association of church membership with the franchise was ended. The religious test for citizenship did not endure until the coming in of the eighteenth century. A great change had come over New England. Church and state were far different from what they were in the time of Governor Bradford. In some respects there is a marked advance; in others, retrogression.

The population of New England in 1700 was about 106,000. Of these, 70,000 were under the jurisdiction of Massachusetts; Connecticut had 25,000; New Hampshire, 5,000, and Rhode Island 6,000.¹ They were nearly all descendants of the Puritan emigrants, whose prime motive of leaving their native land for America, was to enjoy freedom of worship. Religion was not the all-absorbing topic with the first generation of the eighteenth century, as it had been with their grandfathers. Religion was for a time in the background, while agriculture and commerce came into prominence. From an economic point of view New England was prospering. Large incomes were derived from the fisheries. Trade with the West Indies was brisk. Ship-building was carried on, on so large a scale, that English builders complained of American

¹ Thwaite's *Colonies*, p. 181.

competition. Domestic industries were occupied with lumber supplies, the manufacture of rum, linen, and woolen goods. This large industrial and commercial life was not without its influence upon politics. It tended to weaken the domination of religion in government; also, to develop broader and more enlightened ideas. As early as 1632 the prospect of commercial prosperity began to detract from the religious zeal of the colonists. In this year the Rev. John White, of Dorchester, complains of "profit being the chief aim and not the propagation of religion."¹ An incident illustrative of this point, is given in Mather's *Magnalia*. He says that at Marblehead a minister was exhorting the people to seek first the Kingdom of God, and all things would be added unto them. To this, one of the fishermen replied: "You think you are preaching to the people at the Bay. Our main end was to catch fish."²

Thus was New England changing; but the change was not unrecognized by the more pious Puritans of this period. In 1679 a synod of the clergy and laity was called to consider matters bearing upon the reformation of the churches. One of the principal questions debated and formally answered was: "What are the evils that have provoked the Lord to bring His judgments on New England?" The answer is given *in extenso* in Cotton Mather's *Magnalia*. It mentions among the causes of God's displeasure, a great and visible decay of the power of godliness amongst many professors, profanity by oaths and imprecation in ordinary discourse, Sabbath-breaking, decline in family worship, intemperance, want of truth amongst men, etc. The desire for economic prosperity and riches is given as one of the leading causes. On this point the synod's answer says: There hath been in many professors an insatiable desire after land and worldly accommodations; yea, so as to forsake churches and ordinances, and to live like

¹ Quoted in Weeden's *Economic and Social History of New England*, Vol. I, p. 125.

² Weeden, Vol. I, p. 135.

heathen, only that so they might have elbow-room enough in the world. Farms and merchandisings have been preferred before the things of God. In this respect the interest of New England seemeth to be changed. We differ from other out-goings of our nation, in that it was not any worldly considerations that brought our fathers into this wilderness, but religion, even that so they might build a sanctuary unto the Lord's name; whereas, now religion is made subservient unto worldly interests.¹

Commercial prosperity modified the politics of New England not only by withdrawing attention from religion, which had in the earlier period been their chief concern, but by educating the people to greater sympathy with their fellows. The old Puritan test, "orthodox and sound" with a Puritan construction upon it, was made to vanish by the culture of an extensive commercial life. This fact, too, was recognized by some of the Puritans, though, perhaps, not appreciated. Johnson, in his *Wonder-Working Providence*, after speaking boastingly of the flourishing trade of the colonists in 1650, laments its influence upon the minds of the people. He says that many of the business men "would willingly have the Commonwealth tolerate divers kinds of sinful opinions, to entice men to come and sit down with us, that their purses might be filled with coin, the civil Government with contention, and the Church of our Lord Christ with errors."² Such was the effect of economic prosperity in New England. It, doubtless, aided materially in bringing about a greater degree of religious liberty, the progress of which, in this period, will be considered later.

In consequence of the growth of the colonies, there are other forces set in motion, which aid the progress of religious freedom, withdrawing religion, more and more, from the control of the civil power. Among the first acts of the General Court

¹ Cotton Mather's *Magnalia*, Vol. II, Book V, Sec. 4.

² Weeden, Vol. I, p. 155.

of Massachusetts under the charter, as we have seen, was that requiring every town to have and support an orthodox minister. The power of choosing the minister was, at first, put into the hands of the voters of the town. It was pointed out in a previous chapter, also, that the religious element was prominent in laying out the first New England towns. The town centered about the church. Ability to maintain a church and support a minister, made a community worthy of municipal privileges. In many cases the church was the town. There was no chance for friction between the two. Ecclesiastical and civil affairs were regulated by the same voters. This system served its purpose well in the early history of New England. The town voters were Puritans; they formed a church, Congregational in government, Calvinistic in doctrine.

Under the Charter of 1691 the Plymouth colony towns came under the jurisdiction of Massachusetts. Among these was the town of Swansea. Here the Baptists were in the majority. As early as 1667 the Plymouth Court allowed the Baptists to establish themselves at this place. Their church government was congregational. They chose their pastor and probably supported him by voluntary contributions, which was allowed under the law of 1657. "When they were under the government of Plymouth Colony," says Backus, "their ministers were treated as regular ministers."¹ Here was a town regularly and deliberately selecting and supporting a pastor who, in the eyes of the Puritans, was little better than a heretic; and it was all done legally. Massachusetts did not like it; she opposed it, and in 1693 tried to force a Congregational minister upon Swansea. The attempt was not successful; in the same year a second Baptist church was organized in the town. This was an invasion of the privileges of the Standing Order; but such invasions were not only possible but probable under the town church system. Swansea was an index of what was in store for the state church. Could

¹ Backus, *New England Church History*, p. 127.

the good Puritans have looked forward about a century and a half, they would have found many more towns like Swansea introducing ministers of a creed different from that of the Congregational. The first church of old Plymouth itself was one day to elect a pastor, of a denomination, with which Elder Brewster and his congregation would not fellowship. Such were the possibilities under the town-church system based as it was upon popular suffrage.

In 1719 a second attempt was made to force a Congregational minister upon Swansea. There were at this time two Baptist churches there and three ministers, "and no other religious society therein."¹ The attempt was not successful. Swansea remained Baptist, and continued a standing menace to the old state church.

Church and town stood together without embarrassment as long as all, or nearly all, of the inhabitants of the town made up the congregation of the church. Towns, however, grew rapidly, and it was not long before many of them were large enough to maintain two churches. In some cases two churches were very desirable for convenience and other reasons. Exceptions now had to be made to the law associating the town and church. Boston was made one of the exceptions in 1693. By 1700 there were four Congregational churches there. The church was practically divorced from the town. The church members in full standing chose the pastor, and the entire congregation contributed towards his support. The town-church system was broken by the Congregationalists themselves. There was now chance for other churches to build up in Boston. The Baptists improved the opportunity, and before 1720 they had two churches there. Nor was the feeling between them and the Congregational churches any more bitter than it often was between two Congregational churches. The Half-way covenant divided the First Church. The seceders organized the Third. There is evidence that the First

¹ Backus, p. 139.

Church pastor was better disposed to the Baptists than to his brethren of the Third. Churches were now as ready to welcome dissenters as to fellowship with some congregations of their own denominations. That this prepared the way to a better treatment of those of other denominations, there can be little doubt.

In Connecticut the town of Windsor was divided over the selection of a minister. The minority party was allowed by the General Court to organize a church and levy taxes for its support.

In 1669 the church of Hartford was divided by the Half-way covenant. The party for the strict Congregational way, led by Mr. Whiting, asked the General Court for permission to organize a church. Under a law passed in the same year, as we have seen, any body of persons sound and orthodox in the fundamentals of religion were to be allowed to unite in church fellowship. Mr. Whiting received the permission and organized the second church of Hartford. The next step was to obtain permission for those who attended the church to pay their taxes for its support. This, too, was granted. So early were steps taken in Connecticut toward allowing its citizens to support the church of their choice.

In the first quarter of the eighteenth century the breaks between town and church became more numerous. Questions of church government, doctrine, matters of convenience divided churches. The church of Andover was divided over a question concerning the location of a new church edifice.¹ The dispute between the two factions continued for several years. The General Court decided it by dividing the town into two precincts or parishes. Each supported a minister by levying taxes. The town of Gloucester was divided in a similar manner for the purpose of sustaining two churches. In order to comprehend how general was the breaking up of the old town-church system, turn to the index of Volume VII of

¹ See S. L. Bailey's *Historical Sketches of Andover*, pp. 427-429.

the Records of Connecticut. Under the item Ecclesiastical Affairs, three-fourths of the references are to divisions of towns into two or more parishes, because of the need of additional churches.

The General Court would not consent to make these divisions unless a strong case was presented. Many petitions for permission to build a second church were denied. In 1712 the people of Newbury, Massachusetts, decided to move their meeting house two miles further westward. Those who were at the time living near the old church opposed the plan. They were, however, compelled to submit to the wish of the majority. The minority now petitioned the General Court for permission to organize a second church in the vicinity of the old one. Their petition was denied. They were, therefore, obliged to attend and support the town church. There was, however, a way out of the difficulty. The dissatisfied minority became members of the Church of England, and under the law of 1708 organized an Episcopal church. As Episcopalians they were compelled to support the church established by law. But exemption laws were not far distant. Fifteen years after the Newbury Episcopal church was organized, all Episcopalians were exempted from contributing to the support of the state church. The break between church and town in Newbury as in many other towns was now complete. This gave opportunity to bring in all denominations on a nearly equal footing.

In addition to these petitions from parts of a town, there were often applications from individuals requesting privilege to attend the church of their favorite minister and contribute their taxes to his support. These requests, too, were often granted. Thus the Congregationalists themselves found their laws unsatisfactory. They petitioned for relief. They were continually requesting the General Court for permission to attend and support the church of their choice. Is it a wonder, then, that the Baptists and Episcopalians follow their example? The way was open. As soon as dissenters were able to bring

sufficient pressure to bear upon the General Court, the same privileges would be granted to them.

The colonization of New England was not to be left entirely to the Puritan Congregationalists. Baptists, Quakers and Episcopalians were early upon the territory and were not to be rooted out by hostile legislation. They continued to increase because of persecution and in spite of it. Their numbers, however, were not so large that they could command the indulgence of an unfriendly state church. But at a time when that church had lost much of its religion, when its character was weakened, when commerce and trade were enlarging men's intellectual horizon, when the old system had begun to break up, at such a time the dissenters, with strong men as leaders, were able to win a few favors.

By the year 1700 there were nine Baptist churches in New England.¹ One century later this little band of Baptists had grown to three hundred and twelve churches and twenty-three thousand six hundred members. They were comparatively few but their vigorous blows struck at the state church, made them a power for religious liberty.

The Episcopalians were for a long time unable to get a foothold in New England. During the time of Andros, efforts had been made to impose the church by force upon the people. This did not succeed. A few individuals in Western Connecticut, still fewer in Massachusetts were strengthened in the faith, and kept it alive during the latter part of the seventeenth century. It was not until the organization of the Society for the Propagation of the Gospel in 1701, that the Episcopal church took root and became firmly established in New England. Under the auspices of this society missionaries were sent to America, and wherever a little band of Episcopalians could be gathered, there a minister would go to baptize and encourage the people to hold fast and hope for better things. Here and there, there were enough Episcopalians to petition

¹ Backus, p. 237.

the society to send over a minister. "The want of a minister is the greatest of our afflictions," wrote the Episcopalians of Stratford in 1711 to Queen Anne.¹ By 1708 Connecticut had passed her Toleration Act, granting liberty of conscience to all dissenters. By 1722 a society was firmly established and provision made for employing a regular pastor. In 1724 the first Episcopal church edifice in Connecticut was built.²

In the eighteenth century Quakers, Baptists, Episcopalians were no longer regarded as social outlaws as in former years. Their cause had been dignified by the men of high character among their number. Dunster, a Baptist, was for some time President of Harvard College. Rector Cutler of Yale College had identified himself with the Episcopalians. A Quaker had several times been governor of Rhode Island.

What shows the changed sentiment towards dissenters, particularly the Baptists, is the ordination at Boston in 1717. Dr. Mather, his son and Mr. John Webb were invited to assist in the ordination of Mr. Ellis Callender as pastor of the Baptist church in Boston.³ In his account of this ordination Mr. Backus says: "Dr. Increase Mather wrote a preface to the ordination sermon, in which he said, 'It was a grateful surprise to me when several brethren of the Antipaedobaptist persuasion came to me, desiring that I would give them the right hand of fellowship in ordaining one whom they had chosen to be their pastor.' Dr. Cotton Mather preached the ordination sermon, in which he spake much against cruelties which had often been exercised against dissenters from the ruling powers, both in this and other countries, and then said, 'If the brethren in whose house we are now convened, met with anything too unbrotherly, they with satisfaction hear us expressing our dislike of everything that looked like persecution in the days that have passed over us.'"

¹ Beardsley's *History of the Episcopal Church in Connecticut*, Vol. I, p. 26.

² Beardsley, Vol. I. p. 52.

³ Backus, *New England Church History*, p. 137.

The crowning triumph of the dissenters was the victory at Yale College in 1722, when Rector Cutler and several of his associates becoming convinced "of the invalidity of the Presbyterian ordination, in opposition to the Episcopal," resigned their positions to take up work in the interests of the Episcopal church. It gave prestige to the Episcopalians and humiliated the Congregationalists. In a letter to Cotton Mather, Joseph Webb, of Fairfield, said of this event: "They are, the most of them, reputed men of considerable learning, and all of them of a virtuous and blameless conversation. I apprehend the axe is hereby laid to the root of our civil and sacred enjoyments, and a doleful gap opened for trouble and confusion in our churches. The churchmen among us are wonderfully encouraged and lifted up by the appearance of these gentlemen on their side; and how many more will, by their example, be encouraged to go off from us to them, God only knows. It is a very dark day with us; and we need pity, prayers, and counsel."¹ President Woolsey said of the same event, "I suppose that greater alarm would scarcely be awakened now, if the theological faculty of the college were to declare for the Church of Rome, avow their belief in Transubstantiation, and pray to the Virgin Mary."²

The minor sects were just beginning to manifest their strength early in the eighteenth century. They grew rapidly, and at the close of the century their opposition is the strongest force operating against the Standing Order in behalf of religious liberty.

The condition of religion in New England at the beginning of the eighteenth century favored the development of freedom. The pioneer Puritans were fresh from the struggles of the great Reformation in Europe. Provisions for religion were the important features of their legislation. It was asked, in all seriousness, of the candidate for citizenship, is he orthodox and sound in the fundamentals of Christian religion. That

¹ Beardsley, Vol. I, p. 39.

² Beardsley, Vol. I, p. 29.

question is not asked in the eighteenth century; and when asked of candidates for church membership, it is a mere form. The state church had become degenerate. It was brought about largely by the Half-way covenant.

One of the chief arguments advanced by the opposers of the Half-way covenant, was that its adoption would bring into the church a large number of unregenerate persons; that the moral standing of the members would be lowered and the church would be secularized. Exactly such were its results. Those who had been baptized in infancy, and were not "scandalous in life," could come into the church by owning the covenant. Church membership became very common. It was difficult to say just what was meant "by scandalous in life." Some ministers put a very liberal construction upon the words. The line of demarcation between the worthy and unworthy was very indistinct. It was not long before there were found among church members some whose moral character was questionable, and others who were known to be guilty of serious crimes.

The Half-way covenant was a compromise on the part of the church. It was intended to bring the people into the church though not in full communion. It was designed to be merely the initial step to church membership. But one compromise prepared the way for another and deviations from the original intent of the covenant became common. For a few years the distinction between the members in full communion and those in the Half-way relation was kept up. The former only were permitted the privileges of the communion table. In the beginning of the eighteenth century, however, Stoddard began to preach the doctrine that the communion table was a means of regeneration, and that the unregenerate were specially invited to come to it. This doctrine spread through New England. It practically gave full membership to all who had come in, in the Half-way relation, and thus secularized the church. Its history is briefly summed up by the Rev. Isaac Backus, in the following words: "The first fathers of New

England held, that each believer stands in the same relation to his children as Abraham did to his in the covenant of circumcision; and therefore that each believer had a right to bring his children to baptism, which no others had. But forty years after, a door was opened for those who had been baptized in infancy, and were not scandalous, to bring their infants to baptism, though none were to come to the ordinance of the supper without a profession of saving grace. Yet in forty years more, an open plea was published, before described, for all baptized persons who were not openly scandalous, to come to the Lord's supper, as well as to bring their children to baptism. And in a third forty years, these things had turned the world into the church, and the church into the world, in such a manner as to leave very little difference between them."¹

The religion of the old Puritan church had declined. The Half-way covenant was not the whole cause of it. The tendency of state churchism from the beginning had been towards secularization. Massachusetts and New Haven put a distinct premium on church membership. Can it be doubted that men were drawn into the church for the purpose of getting civil privileges? The Half-way covenant, too, was hailed for the political advantages it would bring. The door of the church was opened wide. A throng pushed in; no selection was made or could be made. The town was formerly merged in the church, now the church was merged in the town.

The condition of religion in New England at the beginning of the eighteenth century may be gathered from the writings of that day. In the election sermon at Boston, May 16, 1683, the Rev. Samuel Torrey, of Weymouth, said: "There is already a great death upon religion, little more left than a name to live; the things which remain are ready to die, and we are in great danger of dying together with it. This is one of the most awakening and humbling considerations of

¹ Backus, *New England Church History*, p. 150.

our present state and condition. Oh! the many deadly symptoms of death that are upon our religion! Consider we, then, how much it is dying respecting the very being of it, by the general failure of the work of *conversion*; whereby only it is that religion is propagated, continued and upheld, in being among any people. As conversion work doth cease, so religion doth die away; though more insensibly, yet most irrecoverably.”¹ In 1697 Dr. Increase Mather wrote: “Dr. Owen has evinced, that the letting go this principle, that particular churches ought to consist of regenerate persons, brought in the great apostasy of the Christian church. The way to prevent the like apostasy in these churches is to require an account of those who offer themselves to communion therein concerning the work of God on their souls, as well as concerning their knowledge and belief.”² Three years later he wrote: “If the begun apostasy should proceed as fast the next thirty years, as it has done these last, surely it will come to that in New England, (except the Gospel itself depart with the order of it), that the most conscientious people therein will think themselves concerned to gather churches out of churches.” Mr. Backus quotes the following from a book published in 1700 by Mr. Willard: “It hath been a frequent observation, that if one generation begins to decline, the next that follows usually grows worse, and so on, until God pours out His spirit again upon them. The decays which we already languish under are sad; and what tokens are on our children, that it is like to be better hereafter? God be thanked that there are so many among them who promise well; but, alas! how doth vanity, and a fondness after new things abound among them? How do young professors grow weary of the strict profession of their fathers, and become strong disputants for those things which their progenitors forsook a pleasant land for the avoidance of!”³

¹ Backus, p. 128.

² Backus, p. 129.

³ Backus, p. 129.

With so great a departure from the piety of the early New England church, there was not likely to be that jealousy of dissenters which formerly existed. The Puritans were no longer to be charged with ecclesiastical exclusiveness. They were not sufficiently interested in their religion to guard it so carefully. The dissenting sects, still few in number but growing rapidly, took advantage of these conditions, and petitioned for privileges which they soon obtained. They were not strong in any of the colonies when they began to petition for exemption from contributing to the support of the ministers of the Standing Order. In Massachusetts the Baptists were the leading sect, but, as said, they had only nine churches in all New England in 1700. In Connecticut the Episcopalians were the strongest, but they did not begin to exhibit any strength until long after the colony had passed its toleration law of 1708. In New Hampshire there were no churches of the minor sects in the early part of the eighteenth century. Backus says that there was no Baptist church in this colony in 1740. Rhode Island's population was a mixture of Quakers, Baptists and Episcopalians. The Episcopalians claimed to have been the leading sect and to have been the pioneers of church order. Whitfield erroneously speaks of the Episcopalian as the established church of Rhode Island. It is probable, however, that the larger part of Rhode Island's population was Baptist.

Though the dissenters were not numerous, yet so favorable were the conditions that religious liberty was destined to advance early in the eighteenth century. This was the period of exemption laws. The descendants of the Puritans were ready to admit the right, at least, of dissenters to contribute their taxes for the support of their own churches. They passed laws exempting them from supporting the state church. But the laws were purposely made impracticable. Neither Baptists, Quakers nor Episcopalians found much relief in them. They required the dissenter to furnish a certificate from the church with which he was identified. They empow-

ered the assessor to *omit* to tax those who were known to have furnished the necessary certificates and to be entitled to exemption. In this respect the laws were carelessly carried out. The assessor would often fail to omit Baptists, Quakers or Episcopalians from his list, and consequently they were taxed. Objection could be made; appeals to the courts could be taken, but in such cases the poor dissenter had little prospect of gaining his point. And in order to preserve the few benefits that the exemption laws did confer, petitions for their renewal had to be sent in to the General Court every time the laws expired. In spite of all these difficulties, the exemption laws must be regarded as a long step toward freedom. They were an admission of the right of exemption claimed by dissenters. And, although petitions had to be gotten up for their renewal, yet, after the laws had once been made, their renewal was never desired, and latterly was given unsolicited. Difficulties with certificates and tax lists were mere matters of administrative detail, and their defects could easily be corrected.

The progress of religious liberty in Massachusetts was very gradual. The Episcopalians were the first to be favored. In 1627 it was found that the laws taxing all for the state church were working hardship to certain members of the Church of England; it was, therefore, enacted, that in the future they be permitted to pay their taxes to their own minister, provided there is one in the town.¹ This law was limited to five years. It was re-enacted in 1735 and continued for five years more.² In 1742 it was again renewed, and no time limit put upon it.³

The next to be favored were the Baptists and Quakers. In 1728 the polls of Baptists and Quakers were exempted for five years. In the following year the polls *and estates* of members of these two sects were exempted. In 1737 the law in behalf of the Quakers was re-enacted and continued for ten

¹ *Province Laws*, 1727-8, Chap. VII.

² *Laws*, 1735-6, Chap. XV.

³ *Laws*, 1742-3, Chap. VIII

years. For the Baptists the law was renewed in 1740 and continued for ten years. The period of the great awakening is marked by no important changes in the exemption laws. They are continued as before. The law of 1747, exempting both Baptists and Quakers, was taken up, and passed without any petition requesting its renewal. Had this not been done, the Baptists would have brought their grievances before the King. They were on the point of doing so because of the difficulties placed in their way in taking advantage of the laws. It certainly was difficult for the dissenters to conform to the details required of them. There were, doubtless, many cases of persecution under the laws. Hovey, in his *Life and Times of Isaac Backus*, cites numerous instances. He says that dissenters were forced to pay rates, their property was seized, and their persons were cast into prison. The laws were fair enough, but they were too often maliciously executed.

The irregularities, however, were not all on one side. During the years of the great awakening, the Separate churches that were organized, petitioned for the privileges enjoyed by other dissenters. These privileges the court did not choose to give. In order to cut loose from the Standing Order and to maintain their own churches, without contributing to the support of both, these Separatists organized nominal Baptist churches and claimed exemption. To protect itself from this irregularity, the colony had to make the laws for the exemption of Baptists more rigorous. Accordingly the Act of 1752 provided: "That no person for the future should be esteemed to be an Anabaptist," "but such whose names are contained in the lists taken by the assessors, or such as shall produce a certificate, under the hands of the minister and of two principal members of such church, setting forth that they conscientiously believe such person or persons to be of their persuasion,"¹ etc. It was also provided "that no minister nor the members of any Anabaptist church, as aforesaid, shall be esteemed quali-

¹ *Acts and Resolves of the Province of Massachusetts Bay*, 1752-3, Chapter 15.

fied to give such certificates, as aforesaid, other than such as shall have obtained from three other churches, commonly called Anabaptists, in this or the neighboring provinces, a certificate from each respectively, that they esteem such church to be one of their denomination, and that they conscientiously believe them to be Anabaptists," etc. This law pressed hard upon the Baptists, and they made a vigorous remonstrance against it. It is the only law made in Massachusetts, that owes its origin directly to the great awakening. In 1757 an exemption law similar to those of preceding years was enacted; it continued for thirteen years.¹ There were the same objections to this law. Dissenters could not obtain justice because of the administrative difficulties placed in their way. "No tongue or pen," says Mr. Backus, "can fully describe all the evils that were practiced under the last law."² In 1770 exemption laws were again passed in favor of dissenters. The certificate system, so objectionable to all sects, was still retained. The law differed otherwise but little from the old laws; the slight changes were in favor of the dissenters.

During the early period of our struggle with Great Britain efforts were made to enlist the sympathy of the Continental Congress in behalf of the dissenters of Massachusetts. Very little was accomplished. A resolution of sympathy was passed by the Provincial Congress that met in Cambridge in December 1774. Further than this, nothing was gained; and it is a question whether the cause of the Baptists was not injured as sinister designs were said to have prompted their appeal to Congress.³ There can be no doubt that the dissenters had a great amount of trouble to avail themselves of the exemption laws enforced, as they were, in many cases, by prejudiced officers. At a later period when Massachusetts permitted ministers of dissenting sects to recover from the town treasurer

¹ *Acts and Resolves*, 1757-8, Chapter 19.

² Hovey, *Life and Times of Isaa Backus*, p. 172.

³ Hovey, *Life and Times of Backus*, p. 214.

the taxes paid by dissenters for the support of the church, the execution of the law rendered it practically useless. Buck mentions an instance in which "it required fourteen suits at law before a town treasurer yielded the taxes," and also another in which it required "an expense of one hundred dollars and four years time to get four dollars out of his hands for the use of a Baptist minister."¹ There were, therefore, very substantial reasons for amending the laws.

It is interesting to see just what arguments were used against the certificate system. They are all based on the theory that church and state should be independent of each other. They are clearly stated in an appeal to the public for religious liberty. As given by Hovey they are :

"(1) Because to give certificates implies an acknowledgment that civil rulers have a right to set up one religious sect above another ; which they have not.

"(2) Because civil rulers are not representatives in religious matters, and therefore have no right to impose religious taxes.

"(3) Because such practice emboldens the actors therein to assume God's prerogative ; and to judge the hearts of those who do not put into their mouths.

"(4) Because the church is to be presented as a chaste virgin to Christ ; and to place her trust and love upon any other for temporal support is playing the harlot, and so the way to destroy all religion.

"(5) Because the practice tends to envy, hypocrisy and confusion, and so to the ruin of civil society."²

After the Declaration of Independence Massachusetts proceeded to adopt a new constitution. It was framed by the General Court in 1777, and referred to the next court for adoption. One of its articles provided for the restoration of many of the old ecclesiastical laws. Powerful opposition to this article was made by the Baptists and others. The whole

¹ Buck's *Massachusetts Ecclesiastical Law*, p. 43.

² Hovey, *Life and Times of Isaac Backus*, p. 195.

constitution was, however, rejected. In 1779 a convention called to frame a constitution, prepared the one that was adopted. It contained the following article in its Bill of Rights :

“As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality ; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion and morality ; therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their Legislature with power to authorize and require, and the Legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

“And the people of this Commonwealth have also a right to, and do, invest their Legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

“Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting, with them for their support and maintenance.

“And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination : Provided, there be any on whose instructions he attends ;

otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

“And every denomination of Christians, demeaning themselves peaceably and as good subjects of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”¹

This article met with great opposition, but it embodied the opinion of the majority of the convention, and hence was adopted. The old state church still stood and triumphed. Another half century was to roll over its head before Massachusetts could entertain entire religious freedom.

Turning to Connecticut, we find the history of religious liberty similar to its history in Massachusetts. The early part of the eighteenth century is characterized by exemption laws. In 1708 Connecticut passed its Act of Toleration. It provided that all persons who soberly dissented from the worship and ministry established by law, were to be allowed liberty of conscience. This law, however, did not exempt any one from contributing toward the support of the Standing Order, the Congregational church. The first exemption law was enacted, as in Massachusetts, in 1727. It was in favor of the Episcopalians. It was five years after Rector Cutler and his associates had declared for the Church of England and only four years after the first Episcopal church was organized in Connecticut. The law was enacted in response to a petition from the Episcopalians of Fairfield. The records of this year say:²

“Upon the prayer of Moses Ward, of Fairfield, church-warden, and the rest of the church-wardens, vestrymen and brethren, representing themselves under obligation by the Honorable Society and Bishop of London to pay to the sup-

¹ Hough's *American Constitutions*, Vol. I, p. 622.

² *Colonial Records of Connecticut*, May, 1727.

port of the Established Church, praying this Assembly, by some act or otherwise, to free them from paying to dissenting ministers and for the building dissenting meeting-houses, etc.

“Be it enacted by the Governor, Council and Representatives in General Court assembled, and by the authority of the same, That all persons who are of the Church of England, and those who are of the churches established by the laws of this Government, that live in the bounds of any parish allowed by this assembly, shall be taxed by the parishioners of the said parish by the same rule and in the same proportion, for the support of the ministry in such parish; but if it so happen that there be a society of the Church of England, where there is a person in orders according to the canons of the Church of England, settled and abiding amongst them, and performing Divine service, so near to any person that hath declared himself of the Church of England that he can conveniently and doth attend the public worship there, then the collectors, having first indifferently levied the tax as above said, shall deliver the taxes collected of such persons declaring themselves and attending as aforesaid, unto the minister of the Church of England living near unto such persons; which minister shall have full power to receive and recover the same, in order to his support in the place assigned to him. But if such proportion of taxes be not sufficient in any society of the Church of England, to support the incumbent there, then such society may levy and collect of them who profess and attend as aforesaid, greater taxes at their own discretion, for the support of their minister. And the parishioners of the Church of England, attending as aforesaid, are hereby excused from paying any taxes for building meeting houses for the present established churches of this Government.”

The law seems to be unusually liberal, for in response to the petition for Fairfield's exemption, a general law was enacted. But Connecticut was not ahead of her time in religious liberty. Her great liberality may be partially explained by the fact that she was in great danger of losing her charter

at this time. In the execution of the law she made up for her liberality. The law said that the Episcopal ministers must be established so near to the one that "hath declared himself of the Church of England that he can conveniently and doth attend the public worship." The officers claimed that by "near" meant about two miles. According to this interpretation the law applied to few ; those who came from neighboring towns to attend the Episcopal Church, did not enjoy exemption under the law. Laws similar to this one were enacted in 1729 in behalf of the Quakers and Baptists, and these, too, were rigidly enforced.

The period of the great awakening was a time of general agitation throughout this colony. The Saybrook Platform, which had been adopted in 1708, established a semi-Presbyterian rather than a strictly Congregational government. The ecclesiastical power that it conferred was brought into exercise to correct the disorders incident to the awakening. In 1641 a "Grand Council" of ministers and laymen, at the suggestion of the General Court, met at Guilford, and resolved : "That, for a minister to enter another minister's parish, and preach or administer the seals of the covenant, without the consent of, or in opposition to the settled minister of the parish, is disorderly," etc.¹ In the following year the legislature enforced the decision of the Council by "An Act for regulating abuses and correcting disorders in ecclesiastical affairs." It provided (1) that any minister that should enter, without invitation by the settled minister or his congregation, the parish of another to preach or exhort, should be denied of the benefit of any law enacted for the support and encouragement of the ministry. (2) Every member of an association of ministers that undertook to license a candidate for the ministry, or to decide ecclesiastical disputes, contrary to the provisions of the Saybrook platform, should suffer the same penalty. (3) The offender was to be punished without trial ;

¹ Tracy, *The Great Awakening*, p. 303.

the information given by the regular parish minister or any two members of the parish committee was to be sufficient evidence. (4) Exhorters were to be punished as vagrants.¹ This is one of the laws that Connecticut saw fit to make during the period of the great awakening. It was enacted because many ministers of the Standing Order were opposed to the revival, and many others not opposed to it recognized the disorders to which it gave rise. As a church the Congregationalists opposed the revival. Those members who were in sympathy with it withdrew from the church to organize new Congregational churches. They became Separates. They at once claimed exemption from paying to the support of the church which they had left. This exemption was denied. The Separates, thereupon, as in Massachusetts, organized nominal Baptist churches, and then claimed the exemption of Baptists. In 1743 the General Court repealed the "Act for the relief of sober consciences," of 1708. Dissenters had now to obtain mere *toleration* by special act of the legislature; and, of course, special acts were difficult to obtain. Many of the Separates refused to pay taxes for the old church. In consequence, their property was levied upon and sold. If satisfaction could not thus be obtained, they were arrested and committed to jail. They were now looked upon as martyrs, and won the sympathy of their fellows.

The differences, too, between the Separate churches and the state churches gradually vanished. The Separates insisted upon regeneration as a qualification for church membership. After the preaching of Jonathan Edwards had caused the Half-way covenant to be laid aside, the state churches came back to their earlier standard. This left no practical differences between them and the Separate churches. The former now proved unfaithful to the state. With slight provocation church after church repudiated the Saybrook platform and

¹Abstract of the law given in *The Great Awakening*, p. 305.

identified itself with the Separates. The struggle of the state with these churches had now to come to an end.

In 1784 the Saybrook Platform was abrogated, and a law containing the following provisions enacted :

(1) No person soberly and conscientiously dissenting shall incur any penalty for not attending the worship and ministry established by law.

(2) All persons who belong to the denominations known as Episcopal, Congregational (Separates), Baptist or Quaker, and those who usually worship with societies of any of these sects, shall be exempted from supporting the state church.

(3) Societies of dissenting sects may have the same privileges of supporting their ministers, repairing their meeting-houses, etc., as those of the church established by law.

(4) All who do not attend and help to support a society of one of the dissenting sects shall be taxed for the support of the ministry of the society wherein they dwell.

This law was generous. But it still retained the old Standing Order ; it required certificates of dissenters ; it taxed every citizen for the support of religion. These were objections to the law, and they must be removed before the battle for religious liberty in Connecticut would cease.

In New Hampshire the law of 1714¹ made the church an institution of the town. This law was "not at all to interfere with her Majesty's grace and favor in allowing her subjects liberty of conscience;" "all such as conscientiously dissented from the worship established by law," and "attended the public worship of God on the Lord's Day according to their own persuasion," were to be "excused from paying towards the support of the ministry of the town." It looks very fair, and would have been fair, had a liberal construction been put upon it. This was not done; everybody was taxed, and whenever a dissenter claimed exemption he was asked to furnish proof that he was a dissenter. At every point his

¹ Quoted in the Second Chapter.

evidence was contested by the state. One of the dissenters, to prove that he was a Baptist, was required to prove that he had been immersed. It was not until the nineteenth century that Baptists and others were recognized as distinct sects. Up to this time it was assumed that all were to be taxed; each individual had to fight for his exemption.

In 1784, at the recommendation of the Continental Congress, New Hampshire reorganized its government. In the Bill of Rights of the Constitution adopted was an article that bade fair to furnish sufficient protection to dissenters. It was similar to the article on religious liberty in the constitution of Massachusetts. Each closed with the provision that "no subordination of any sect or denomination to another shall ever be established by law."

In spite of this article, however, the law of 1714 was allowed to prevail. In 1791 it was slightly altered. The power of settling the minister and taxing for his support was put into the hands of the selectmen of each town. The change made no difference to the dissenters; they gained nothing from it. Not until the nineteenth century were they to get the religious liberty they so ardently desired.

The ecclesiastical history of Vermont begins, as we have seen in Chapter II, with the adoption of its constitution. The third article of the Bill of Rights declared "that no man ought, or of right can be compelled, to attend any religious worship, or erect or support any place of worship, or maintain any minister contrary to the dictates of his conscience."

Honorable Daniel Chipman, says in his *Memoir of Thomas Chittenden* :

"The framers of our Constitution, having, as suggested, founded it on the equal rights of the citizens, and having pretty correct notions of religious liberty, had no idea of authorizing the Legislature to tax the minor sects for the benefit of the Standing Order, yet they considered that as all classes of the community had a common interest in the support of public worship, as they had in the support of common

schools, they ought to contribute in like manner for its support. And they authorized the Legislature to pass laws to enforce the observation of the Sabbath, and to tax the people for the support of public worship, trusting that they would do it in such manner as to afford no just ground of complaint.”¹

In 1781 the Legislature authorized towns to levy taxes on lands within their limits for the purpose of building meeting-houses, school-houses and bridges. In 1783 provision was made for the support of ministers. The law, in part, is as follows :

“Whereas, it is of greatest importance to the community at large, as well as to individuals, that the precepts of Christianity and rules of morality be publicly and statedly inculcated on the minds of the inhabitants ;

“Therefore, be it enacted, etc., That whenever any town or parish shall think themselves sufficiently able to build a meeting-house, or settle a minister, it shall be the duty of the town or parish clerk, on application of seven freeholders of such town or parish, to warn a town or society meeting, mentioning the time, place and matter to be debated, giving twelve days’ notice, by posting the same at the most public place, or places, in said town or parish ; and that two-thirds of the inhabitants of such town or parish, who shall meet agreeable to such warrant, being legal voters, and of similar sentiments with respect to the mode of worship, shall be hereby authorized to appoint a place or places for the public worship of God, and fix on a place, or places, for building a house or houses of worship, and vote a tax, or taxes, sufficient to defray the expense of such building, or buildings ; and also to hire, or otherwise agree with, a minister, or ministers, to preach in such town or parish, either to supply such town or parish with preaching, or on probation for settlement ; and, further, to vote such minister, or ministers, such settlement or settlements

¹ *Records of Governor and Council of Vermont*, Vol. I, Appendix E.

in money, or otherwise, as to them shall seem equal ; and to vote such minister, or ministers, such annual support in money, or otherwise (to be agreed on between such minister, or minister and people), as shall be found necessary ; to be assessed on the polls and rateable estates of persons living or estates lying within the limits of such town or parish."

By the same law provision was made for dissenters. It said : " Whereas, there are in many towns and parishes within this state, men of different sentiments in religious duties, which lead peaceable and moral lives, the rights of whose conscience is not to control ; and likewise some, perhaps, who pretend to differ from the majority with a design to escape taxation ;

" Therefore, Be it enacted, that every person, or persons, being of adult age, shall be considered as being of opinion with the major part of the inhabitants within such town or parish where he, she or they shall dwell, until he, she or they shall bring a certificate, signed by some minister of the Gospel, deacon or elder, or the moderator in the church or congregation to which he, she or they pretend to belong, being of a different persuasion ; which certificate shall set forth the party to be of their persuasion ; and until such certificate shall be shewn to the clerk of such town or parish (who shall record the same), such party shall be subject to pay all such charges with the major part as by law shall be assessed on his, her or their polls or rateable estate." ¹

As in the other New England states, the certificate system for dissenters was adopted, and it met with the same opposition. For, in many of the towns the proportion of dissenters was large. The objection was not so much to certificate as to the principle it involved. Backus declared, in Massachusetts, that to give a certificate was an acknowledgment that the State did of right control in church matters. The same view prevailed in Vermont ; for, after the apparently objectionable

¹ *Records of the Governor and Council of Vermont*, Appendix E, p. 401.

features of the certificate law were removed the opposition continued as great as ever. Complete separation of church and state was what was wanted.

Rhode Island never had a state church. The charter of 1663 made religious liberty a part of its fundamental law. It would not tolerate levying taxes for the support of religion. In 1716 there were rumors that movements were on foot to set up the Episcopal church. A law was at once made that "what maintenance or salary may be thought needful or necessary by any churches, congregations, or societies of people now inhabiting, or that may hereafter inhabit, within any part of this government, for the support of their or either of their minister or ministers, may be raised by free contribution and no other ways."¹

Rhode Island's laws are said to have disfranchised Catholics for many years. "All men (professing Christianity) and of competent estates, and of civil conversation, who acknowledge and are obedient to the civil magistrate, though of different judgment in religious affairs (Roman Catholics excepted), shall be admitted as freemen." These are the words that appear in one of the laws of the colony. There is much dispute about the words in parenthesis, "Roman Catholics excepted." * Arnold claims that they are an interpolation made when the laws were compiled.²

In the period from 1691 to 1787 we have noticed four main forces operating to bring about the separation of church and state: (1) The enlarged commercial and industrial life of New England withdrew the colonists' attention from religion. Material prosperity was sought for at the expense of the higher spiritual prosperity. In the early period the preservation and maintenance and extension of the church was their chief concern. In the eighteenth century less attention was given to

¹ Palfrey, *History of New England*, Vol. III, p. 435.

² For a discussion of the phrase, see *Arnold's History of Rhode Island*, Vol. II, pp. 491-6.

the church and religion and more to the state and commerce. Keeping out dissenters was not so important as driving a good bargain with them. A more liberal and a more modern sentiment, too, was brought about by the commercial prosperity of New England in this period. (2) The breaking up of the old town-church system prepared the way for each citizen to support the church of his choice. Baptists and Episcopalians had now only to ask for privileges already granted to many of the Congregationalists. (3) The dissenters strengthened in numbers, guided by wise leaders, were a power for religious liberty. The state with its church had to make one concession after another to them. (4) The decline in religion and the secularization of the church weakened the cause of the Standing Order, an event of which the more vigorous dissenting sects were not slow to take advantage.

CHAPTER V.

DEVELOPMENT OF RELIGIOUS LIBERTY IN THE NINETEENTH CENTURY.—DIS-ESTABLISHMENT.

During the period of the Revolution the dissenters, particularly, the Baptists, tried to make it appear that in ecclesiastical matters they were suffering what the Americans were in political. It was claimed that they were taxed without representation. But the colonists did not dispute the principle "no taxation without representation." They admitted that dissenters should not be taxed for the established church. Exemption laws involving the principle had been enacted. It is true that difficulties were put in the way so that a dissenter could not easily take advantage of the laws. But the right of exemption was admitted; that was not in question; the trouble was in the execution of the laws. Nothing, therefore, was accomplished by appropriating the political argument for ecclesiastical purposes.

After the colonies become a nation, the position that the United States took upon the question was important. It did much to settle the question in the states. Religious liberty was much discussed in the state conventions called to ratify the constitution. The constitution itself did not contain a guaranty of religious freedom. "No religious test shall ever be required as a qualification to any office or public trust under the United States" was all that it provided for. But this was a decided improvement upon the laws of the colonies. In all of them, with the exception of Rhode Island, religious tests were required.

This clause of the constitution provoked great discussion in the state conventions. In the North Carolina convention a delegate said, "Even the Pope of Rome might become President of the United States." Nowhere was the opposition stronger than in the enlightened state of Massachusetts, where a delegate said, he "shuddered at the idea that Romanists and pagans might be introduced into office, and that Popery and the Inquisition may be established in America."¹ What is of importance to us in this article is, that it brought the old question of religious liberty, in another form, prominently before all the people, and that at the end of the discussion, the article as given, became one of the fundamental laws of the country. So much was the gain for religious liberty.

But this is not all. So enlightened had the people become that exemption from religious tests was not sufficient. It was good as far as it went, but some of the states wanted to go farther. Six of them suggested amendments bearing upon religion. One of these was a New England state. New Hampshire recommended that "Congress shall make no laws touching religion, or to infringe the rights of conscience." The amendment suggested by Virginia is better. It says: "That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men have an equal, natural and unalienable right to the free exercise of religion, according to the dictates of conscience; and that no particular religious sect or society ought to be forced or established by law in preference to others." The complete separation of church and state is here advocated as a principle.

The result of these amendments suggested by the states was the first amendment to the Federal Constitution. As to

¹ Quoted from Elliot's *Debates*, by Dr. Philip Schaff, in *Church and State in the United States*, Papers of the American Historical Association, Vol. II, p. 408.

religion, this amendment provides, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

This was the only course the Federal government could take. The reasons for it are plainly pointed out by Dr. Schaff. He says: "The Constitution did not create a nation, nor its religion and institutions. It found them already existing, and was framed for the purpose of protecting them under a republican form of government, in a rule of the people, by the people, and for the people. Nearly all the branches of the Christian Church were then represented in America. New England was settled by Congregationalists; Virginia, the Carolinas and Georgia by Episcopalians; New York by Dutch Reformed, followed by Episcopalians; Rhode Island by Baptists; Pennsylvania by Quakers; Maryland by Roman Catholics; while Presbyterians, Methodists, Lutherans, German Reformed, French Huguenots, Moravians, Mennonites, etc., were scattered through several colonies. In some states there was an established church; in others the mixed system of toleration prevailed. The Baptists and Quakers, who were victims of persecution and nurslings of adversity, professed full religious freedom as an article of their creed. All colonies, with the effectual aid of the churches and clergy, had taken part in the achievement of national independence, and had an equal claim to the protection of their rights and institutions by the national government."¹

"Thus Congress was led by Providence to establish a new system, which differed from that of Europe and the colonies, and set an example to the several states for imitation."²

By the time the Constitution went into effect the dissenting sects had grown strong in New England. With all the influence they could command, they kept appealing for religious

¹ *Church and State in the United States*, in Papers of the American Historical Association, Vol. II, pp. 405-6.

² *Idem*, p. 406.

liberty. Exemption laws had been made and, of late, fairly enforced. They were now made more liberal and more liberally enforced. The cry for religious freedom kept up. The nineteenth century was too late to modify exemption laws and correct abuses. Laws governing in religious matters must be swept away all together. The states gradually recognized it, and submitted; Massachusetts would not submit until under her own laws her favorite church was torn asunder, and the greater part turned over to another denomination. But a new system was to be inaugurated. Rhode Island, New York, Virginia and the Federal government had taken the lead. The other states must fall in line and follow. The forces driving to this course were no longer resistible.

The youngest of the New England states was to lead all the rest in the dis-establishment of the church.

In the law of 1783 that enabled towns to erect meeting-houses and support ministers by taxes, provision was made for dissenters as has been pointed out. The certificate system was adopted. In many of the towns the large number belonging to the minor sects, made no little opposition to this system. The legislature was at length prevailed upon to modify the law. In 1801 the following law was passed: That every person of adult age, being a legal voter in any town or parish, shall be considered as of the religious opinion, and sentiment of such society, as is mentioned in said act, and be liable to be taxed for the purpose mentioned in said act, unless he shall, previous to any vote, authorized in and by said act, deliver to the clerk of said town or parish, a declaration in writing, with his name thereto subscribed, in the following words, to wit: I do not agree in religious opinion, with a majority of the inhabitants of this town.¹

This was certainly a very liberal law, but it did not satisfy the opposers of the certificate system. For it was not the

¹ *Records of the Governor and Council of the State of Vermont.* Appendix E, p. 402.

system that was so offensive ; it was the principle it involved. The opposition grew stronger every year. Every subsequent legislature for six years was labored with to repeal the law. In 1807 the legislature yielded. Towns were deprived of the power of supporting ministers or building meeting-houses by levying taxes. Religion was placed upon a voluntary basis ; it was left entirely to the individual ; each to support the gospel and to worship as he chose.

Connecticut was the next state to declare for religious liberty. She, at first, approached the voluntary system as nearly as it was possible without adopting it. Individuals were given entire freedom to attend any church and to support the church of their choice. Any one not satisfied with the Standing Order was at liberty to leave and attend church with any other denomination. The following is the law of 1791 :

“Be it enacted by the Governor and Council, etc., That in future, whenever any person shall differ in sentiments from the worship and ministry, in the ecclesiastical societies in this state, constituted by law within certain local bounds, and shall choose, to join himself to any other denomination of christians, which shall have formed themselves into distinct churches or congregations, for the maintenance and support of the public worship of God, and shall manifest such his choice, by a certificate thereof, under his hand lodged in the office of the clerk of the society to which he belongs—such persons shall thereupon, and so long as he shall continue ordinarily, to attend on the worship and ministry in the church or congregation, to which he has chosen to belong as aforesaid, be exempted from being taxed for the future support of the worship, and ministry in such society.”

This law was fair to dissenters. The state, however, still required every citizen to contribute to the support of the gospel. The taxes of all unconnected with any church were turned over to the Standing Order, and the struggle continued.

With the coming in of the nineteenth century a new order of things was destined to appear. The old charter that had

served as the fundamental law for a century and half, was to be laid aside. There was a conviction among the citizens, that it had outlived its day. The old Federal party supported by the Congregational clergy defended the charter against all attacks. The Republicans were rising and claimed that under the current order they were not treated fairly. It was claimed that a Republican did not have an equal chance with a Federalist in the court room before Federalist judges. Efforts were made in 1804 to call a convention to frame a constitution. These efforts failed as did those made in 1806. The old question of religious liberty became one of the issues. The dissenters to a good extent allied themselves with the Republicans. "The old Congregational clergy constituted the nucleus of the dominant party." They exercised a controlling influence in politics. "The ambitious minority" says Dr. Lyman Beecher, "early began to make use of the minor sects on the ground of invidious distinctions; thus, making them restive. So the democracy, as it rose, included nearly all the minor sects, besides the Sabbath-breakers, rum-selling tippling folks, infidels, and ruff-scuff generally and made a dead set at us of the Standing Order. It was a long time, however, before they could accomplish anything, so small were the sects and so united the Federal phalanx."¹ The "long-time" came to an end; the "Federal phalanx" was obliged to make some concession to some of the "minor sects" in order to get their support. When the Phoenix Bank was chartered, the state was to receive a bonus of fifty thousand dollars. It was suggested that the money be divided between Yale College and the Bishops' Fund. In this way the Episcopalians were to be conciliated. For some reason or other, when the money was divided the Episcopalians failed to get the amount intended for them. They thought that they were deceived by the party in power and now allied themselves, to a man, with the opposition. This made the opposing

¹ *Autobiography and Correspondence of Lyman Beecher*, Vol. I, p. 342.

minority a majority. The dissenting sects coalescing with the Republicans formed the Toleration party and, in 1817 captured the state. The old charter was abandoned. In 1818 a new constitution was adopted. In its Bill of Rights were incorporated the following clauses :

“The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this state, etc.

“No preference shall be given by any law to any Christian sect or mode of worship.”

All religious denominations were now upon an equality, and religion was to be supported by voluntary contributions.

In 1792 New Hampshire amended her constitution, but the article on religion in the Bill of Rights was left unchanged. Towns were still permitted to make provision for public worship and to support it by taxes. Up to this time the Episcopalians were the only ones recognized as a distinct sect. All others were assumed to belong to the state church, and all were taxed, unless they could establish their right to exemption. Not until the first decade of the nineteenth century did New Hampshire relax her Puritan rigor. In 1804 she consented to recognize the Baptists as a sect. In this year the Legislature passed the resolution “that the people of this state, commonly known by the name of Free-will Anti-pedo Baptists’ church and society, shall be considered as a distinct religious sect or denomination, with all the privileges as such, agreeable to the constitution.”

In 1805 a similar resolution in favor of the Universalists was passed ; and in 1807 one in favor of the Methodists. After the passage of the acts exemption under the laws became practicable. The dissenters were no longer molested. But the struggle against the state’s controlling the church had begun. Concessions on the part of New Hampshire came too late. Not religious toleration but religious freedom was to characterize the nineteenth century. In 1819 the Toleration Act was brought before the Legislature. It met with strenu-

ous opposition. The advocates of freedom, however, could point to the example and experience of other states. Rhode Island, Vermont, Connecticut and the Federal government were on the side of freedom. Although it was argued that the Toleration Act meant "a repeal of the Christian religion," and "the abolition of the Bible," it was passed, and, as Sanborn says, "was productive of little evil and the highest positive good."

In the year following the dis-establishment in New Hampshire came the separation of Maine from Massachusetts. The battle for religious freedom had already been fought in many places, and now all the New England states, except Massachusetts, had surrendered the right of controlling the church. Maine could not go back to the old practice; the opposition was too great. She consequently incorporated the following article in her Bill of Rights:

"All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences; and no one shall be hurt, molested or restrained in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments; provided, he does not disturb the public peace, nor obstruct others in their religious worship; and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws, and no subordination nor preference, of any one sect or denomination to another, shall ever be established by law; nor shall any religious test be required as a qualification for any office or trust under this state; and all religious societies in this state, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance."¹

¹ Hough, *American Constitution*, Vol. I, p. 509.

The Bill of Rights of the Massachusetts constitution declared that "no subordination of one sect or denomination to another shall ever be established by law."

The dissenters were bent upon making the most of this clause. They claimed that to require certificates of them, for exemption from supporting the Congregational church, was subordinating them to that church. They, therefore, proposed to test the law.

In 1781 several dissenters in the parish of East Attleboro' were taxed as usually. A Mr. Balkom, who had refused to pay, was seized for his tax. He, therefore, brought suit for damages against the assessors, before a justice of the peace. The decision was given in favor of the assessors. The case was brought upon appeal to the County Court, where the decision of the justice was reversed and a judgment rendered in favor of Mr. Balkom. This judgment ought to have settled the certificate matter; but it did not. It was kept up throughout the state. Buck says the decision in Balkom's case "seems to have been local in its influence."¹ Backus says, however, that it settled the controversy in Attleboro', and was extensively used elsewhere.²

Other efforts were made by the dissenters to secure justice under the Bill of Rights. According to the statutes enacted under it individuals might direct their taxes to be paid to any public Protestant teacher of piety, religion and morality, of their own sect, provided there was one in the town, on whose instructions they attended. A Universalist minister, Mr. Murray, brought suit under this law to recover the taxes which his parishioners had paid into the town treasury. The state's attorney in the case aimed to prove that a minister "who denied the eternal punishment of the wicked was not a teacher of 'piety, religion and morality.'"³ The decision of the Court, however, was in Mr. Murray's favor.

¹ Buck's *Massachusetts Ecclesiastical Law*, p. 41.

² Hovey's *Life and Times of Isaac Backus*, p. 246.

³ Buck, p. 40.

In 1799 a law was enacted allowing the minister of a dissenting sect to recover from the town treasurer the taxes that had been paid for the support of religion by members of his congregation.¹ A Methodist minister tried to recover his share of the taxes under this law, but he failed because he was not "settled." He had preached in various places, from Pittsfield to Springfield, and consequently the law did not touch his case.

A few years later a peculiar construction was put upon the law that allowed individuals to support any public teacher of piety, religion and morality. The Supreme Court decided that ministers of unincorporated societies were not *public* teachers. The decision affected a large number of dissenting societies but few of which had been incorporated.

All these difficulties placed in the way of religious liberty, served only to make the dissenters more zealous in their opposition to any state interference in religious matters. They were now strong and well organized and it was only a question of a short time when the church establishment would be overthrown.

In 1811 the "religious freedom" act was passed. It was like the act passed in Connecticut twenty years before. Under this act any one could leave the Congregational church and attend a Baptist, Episcopal or any other church. His taxes went to the minister whose instructions he attended. He, however, had to file a certificate with the town clerk that he had joined a new society.

In 1820 an effort was made to amend the Bill of Rights so as to include the provisions of the religious freedom act of 1811. An amendment to this effect was prepared but was rejected by a large majority.

The Unitarian ascendancy is the last chapter in the history of the struggle between the churches and state in Massachusetts. The Bill of Rights gave to the parish or town not to

¹ Buck, p. 41.

the church the exclusive right of electing the minister and contracting with him for his support. "This well-meant provision was the cockatrice's egg out of which those great judges, Parker and Shaw, successively sitting thereon, afterwards hatched dire mischief to the churches."¹ The Congregational church of Massachusetts now rested on popular suffrage. Any change, therefore, in the beliefs and opinions of the voters, was sure to manifest itself in the church, and, particularly, in the selection of a pastor. In 1818 it happened, in the little town of Dedham, that the pastor of the First church resigned to accept the presidency of a college. The orthodox Congregationalists had for a long time been in the majority here, and the town was supplied with a Congregational minister. But public opinion had been changing, and it was here first learned that the Standing Order, built on popular suffrage, must change as the sentiment of the people changes. The citizens of the town, as distinct from the church, decided to exercise the rights guaranteed to them under the Bill of Rights of 1780, and accordingly chose a minister for the town. They elected a Unitarian. The majority of the church true to Congregational orthodoxy, refused to accept the new minister. The matter was brought to the Supreme Court where the case was decided in favor of the parish. "Whatever, said Chief Justice Parker, the usage in settling a minister, the Bill of Rights of 1780 secures to towns, not to churches, the right to elect the minister in the last resort."² The Unitarian minister was given charge of the parish. Here was a Congregational church, the state church, under laws made by Congregationalists themselves, turned over to a sect with which the early Puritan would have had no sympathy. To the Unitarians, professing a doctrine that they hardly dared bring to the light, this orthodox church with all its funds was transferred. In this way many other churches of the Standing Order, with all their property, were turned over

¹ Chas. E. Stevens, *Essay on Church and Parish.*

² Buck, p. 52.

to the Unitarians. The first church of old Plymouth itself was in this way made Unitarian. Bishop Burgess has said that in 1843 there were one hundred and thirty Unitarian Congregational churches in Massachusetts hardly twenty of which were Unitarian in their origin.¹

The old Calvinistic state church that had withstood all attacks so long, was now superseded in many places. The reaction of the laws intended to make it secure had brought on its ruin. Massachusetts was now willing to give up the struggle it had carried on so long. In 1834 the Bill of Rights was amended, and "the ancient policy of the Commonwealth, derived from the mother country, steadily maintained for two hundred years, was entirely abandoned."²

During the last period there have appeared two forces to aid in the dis-establishment of the church. (1) The examples set by the Federal government, and by many of the states, doubtless had great weight in determining the future policy of New England. (2) In Massachusetts the change in the belief of the citizens manifested itself in the church. Congregationalism began to give way to Unitarianism. The unfavorable turn of events which the state experienced in the execution of its laws was all that was needed. Massachusetts was now ready to join with her sister states in her attitude toward the church.

While many forces contributed to bring about the separation of church and state in New England, there is none so prominent as the work of those who were once dissenters. The Baptists, Episcopalians, Quakers and others, fought a good fight in behalf of freedom. Their labors never ceased until the victory was won. New England was now ready to "render unto Cæsar the things that are Cæsar's and unto God the things that are God's."

¹ Burgess' *Pages from the Ecclesiastical History of New England*, pp. 121-2.

² Buck's *Massachusetts Ecclesiastical Law*, p. 64.

IV

CHURCH AND STATE

IN

EARLY MARYLAND

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
HERBERT B. ADAMS, Editor

History is past Politics and Politics present History.—*Freeman*

TENTH SERIES

IV

CHURCH AND STATE
IN
EARLY MARYLAND.

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BALTIMORE
THE JOHNS HOPKINS PRESS
PUBLISHED MONTHLY
April, 1892

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THE FRIEDENWALD CO., PRINTERS,
BALTIMORE.

CHURCH AND STATE IN EARLY MARYLAND.

The purpose of this monograph is to trace the relation of State to Church in Maryland from the foundation of the colony in 1634 down to the establishment of the Church of England in 1692. The subject will be treated under the following heads :

1. The Provisions of the Charter with regard to Religion.
2. The Period from the Founding of the Colony to the Act of Toleration in 1649. Here the object will be to trace the development of religious freedom.
3. The Period from the Act of Toleration in 1649 to the Protestant Revolution of 1689. During this period the object will be to trace the history of the religious toleration already established.
4. The Protestant Revolution and the Establishment of the Church of England in 1692.

The subject will be examined under these four heads in the order in which they are given above. At the end of each will be stated our conclusions on that division. A brief summary at the close of the paper will give the conclusions that we believe may be drawn from the whole inquiry.

I.—THE PROVISIONS OF THE CHARTER WITH REGARD TO RELIGION.

The following extracts give the parts that bear directly on the question :

(a) “ *Whereas* our well beloved and right trusty subject *Cecilius Calvert*, Baron of *Baltimore*, in our kingdom of Ire-

land, son and heir of *George Calvert*, knight, late Baron of *Baltimore*, in our said kingdom of Ireland, treading in the steps of his father, being animated with a laudable and pious zeal for extending the Christian religion, and also the territories of our empire, hath humbly besought leave of us, that he may transport, by his own industry and expense, a numerous colony of the English nation, to a certain region, hereinafter described, in a country hitherto uncultivated, in the parts of America, and partly occupied by savages, having no knowledge of the Divine Being, and that all that region, with some certain privileges and jurisdictions appertaining unto the wholesome government and state of his colony and region aforesaid, may by our royal highness be given, granted, and confirmed unto him, and his heirs. *Know ye, therefore,*" etc.¹

(b) "Also, we do *grant*, and likewise *confirm* unto the said Baron of *Baltimore*, his heirs and assigns, all islands and islets, &c. And furthermore, the *Patronages* and *Advowsons* of all churches which (with the increasing worship and religion of *Christ*), within the said region, islands, islets and limits aforesaid, hereafter shall happen to be built; together with license and faculty of erecting and founding churches, chapels, and places of worship, in convenient and suitable places, within the premises, and of causing the same to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of *England*."

(c) "And if, peradventure, hereafter it may happen that any doubts or questions should arise concerning the true sense and meaning of any word, clause, or sentence contained in this our present *charter*, we will charge and command *That* interpretation to be applied always, and in all things, and in all our courts and judicatories whatsoever, to obtain which shall be judged to be the more beneficial, profitable, and favorable to the aforesaid now Baron of *Baltimore*, his heirs and assigns; provided always, that no interpretation

¹ These extracts are taken from the translation of the charter given in Scharf, I., p. 53 seq.

thereof be made, whereby *God's* holy and true Christian religion, or the allegiance due to us our heirs and successors, may in any wise suffer by change, prejudice or diminution."

The *first* extract is plainly nothing more than a formal introduction, such as frequently occurs in the charters of the time. As to the precise meaning of the *second* extract there has been a wide difference of opinion. The grant of the "license and faculty" of erecting and consecrating churches "according to the ecclesiastical laws of our kingdom of England" may imply :

1. That churches *must* be thus and only thus erected and consecrated.

2. That *if* churches be erected and consecrated it *must* be according to the ecclesiastical laws of England.

3. That *if* churches be erected and consecrated it *may* be according to the ecclesiastical laws of England.

The first interpretation would practically establish the Church of England. The second would almost necessarily prevent the establishment of any other church. The third would grant permission for the establishment of the Church of England, but would not exclude other churches from being established.

The point of the *third* extract is in its last clause—"provided always, that no interpretation thereof be made, whereby *God's* holy and true Christian religion, or the allegiance due to us, our heirs and successors, may in any wise suffer by change, prejudice or diminution."

What is meant by "God's holy and true Christian religion" ("Sacro sancta dei et vera Christiana religio")? Does this include all decent forms of Christianity? Or is the king, being head of the Church of England, supposed to consider *it* as the "holy and true Christian religion," and does he by this phrase in the charter refer only to the Church of England? Some light may be thrown on these extracts by other charters of the time.

With the *second* extract it is interesting to compare the

charter of Avalon,¹ granted to Baltimore, April 7, 1623, and the grant of New Albion,² given to Plowden, June 21, 1634. All these are very much alike, and each was probably modeled on its predecessor. All three contain the clause granting "the *Patronages* and *Advowsons* of all churches which (with the increasing worship and religion of *Christ*), within the said regions, islands, islets and limits aforesaid, hereafter shall happen to be built." But only the Maryland charter has the rest of the clause concerning the dedication according to the ecclesiastical laws of England. In 1624 Baltimore joined the Roman Catholic Church. Now, since the charter of Avalon, granted him before that event, omits the dedication clause, the Maryland charter granted him when he was a Catholic inserts it, and two years later Plowden's charter, closely resembling it in other respects, omits this clause; it therefore seems probable that the clause was inserted as a precaution of some sort against Roman Catholicism, but its effectiveness in this sense would vanish unless it excluded dedication and consecration other than by the laws of England. Therefore we may eliminate, as *probably* not intended, the third of the interpretations given above. And as the first interpretation seems scarcely a legitimate construction of the phraseology, the second is left as the probable meaning of the clause, namely, that if churches be erected and consecrated, it *must* be according to the ecclesiastical laws of England.

With the *third extract* we may compare :

1. A clause in the letters patent granted by Queen Elizabeth to Sir Walter Raleigh in 1584: "So always as said statutes, laws, and ordinances may be, as neere as conveniently may be, agreeable to the laws, statutes, government, or pollicie of England, and also, so as they be not against the Christian faith, nowe professed in the Church of

¹ Given in Scharf, I., 35. (Copies in Latin and English are in the Calvert Papers.)

² Given in the Latin in Penn. Mag. of Hist. and Biog., Vol. VII., 55.

England, nor in any wise to withdraw any of the people of those lands from the allegiance of us, our heirs," etc.¹

2. A clause in the Instructions for the Government of the Colonies, given in 1606: "and wee doe specially ordaine, charge, and require, the said president and counsellors, and the ministers of the said several colonies respectively, within their several limits and precincts, that they, with all diligence, care and respect, doe provide, that the true word and service of God and Christian faith be preached, planted, and used, not only within every of the said several colonies, and plantations, but alsoe as much as they may amongst the salvage people which doe or shall adjoine unto them, or border upon them, according to the doctrine, rights, and religion now professed and established within our realme of England," etc.²

3. A part of the Virginia charter of 1609: "And lastly because the principal effect which we can desire or expect of this action, is the conversion and reduction of the people in those parts unto the true worship of God and Christian religion in which respect we should be loath, that any person should be permitted to pass, that we suspected to effect the superstitions of Rome: we do hereby declare," etc.³

4. A clause in the grant of Maine to Gorges, April 3, 1639: "No interpretation being made of any word or sentence whereby God's holy and true Christian religion now taught, professed and maintained the fundamental lawes of this realm or our allegiance to us our heirs and successors may suffer prejudice or diminution."⁴

¹ Given in Streeter: *Maryland 200 Years Ago*. Appendix.

² Given in Brown: *The Genesis of the United States*. Vol. I., 67-8.

³ Given in Lucas: *Charters of the Old English Colonies in America*, p. 18.

⁴ This is taken from Hazard, Vol. I., 455. He has it "whereby God's word, true Christian religion," etc.; but as in his version of Plowden's charter for New Albion he translates the Latin "*sacro sancta dei et vera Christiana religio*" by "the word of God and true Christian religion," I have concluded that he is here translating the same Latin, and have given it the usual rendering.

These passages make it clear that, however the charter might be interpreted on its face, if taken in the light of similar documents of the time, "God's true and holy Christian religion" means the Church of England.

But apart from these passages which bear directly on the relation of State to Church, there are two others that bear on it indirectly :

1. After giving the Proprietary the right to make laws with the assent of the freemen of the Province, it continues :

"So, nevertheless, that the laws aforesaid be consonant to reason, and be not repugnant or contrary, but (so far as may be) agreeable to the laws, statutes, customs and rights of this our kingdom of England."

2. Further on occurs the following passage :

"We will also, out of our more abundant grace, for *us*, our heirs and successors, do firmly charge, constitute, ordain and command, that the said *Province* be of our allegiance; and that all and singular the subjects and liege-men of *us*, our heirs and successors, transplanted or hereafter to be transplanted into the *Province* aforesaid, and the children of them, and of others their descendants, whether already born there or hereafter to be born, be and shall be natives and liege-men of *us* our heirs and successors, of our kingdom of England and Ireland; and in all things shall be held treated, reputed and esteemed as the faithful liege-men of *us*, and our heirs and successors, born within our kingdom of England; also lands, tenements, revenues, services, and other hereditaments whatsoever, within our kingdom of England, and other our dominions, to inherit, or otherwise purchase, receive, take, have, hold, buy and possess, and the same to use and enjoy, and the same to give, sell, alien, and bequeath: and likewise all privileges, franchises and liberties of this our kingdom of England, freely, quietly, and peaceably to have and possess, and the same may use and enjoy in the same manner as our liege-men born, or to be born within our said kingdom of England, without impediment, molestation, vex-

ation, impeachment, or grievance of *us*, or any of our heirs or successors; any statute, act, ordinance, or provision to the contrary thereof notwithstanding."

The first of these is so vague as to be satisfied by almost any arrangement with regard to church. But the second gives the inhabitants of the province the right to all the privileges of native-born Englishmen, and it is difficult to see how this can be so construed as to exclude the right to the establishment of the Church of England.

To sum up: the charter *probably* requires that if churches be erected and consecrated, it must be according to the ecclesiastical laws of England; it directs that no interpretation be put upon it whereby the Church of England may suffer by change, prejudice, or diminution; and it gives the inhabitants of the province the same right as native-born Englishmen to whatever privileges accompany an establishment.

But in the uncertain state of political and religious affairs in England at that time it would have been a difficult matter to say just what were the rights of the Church of England that must not be infringed upon, and just what privileges all Englishmen could claim from an establishment. Moreover, it was not a time when things turned on technical interpretation of written documents. Historical forces were at work, and these, in connection with the policy of the administration and the temper of the colonists, were, after all, to determine the relation of Church and State in Maryland. It is our task, then, to trace the development of this relation, and this brings us to our second division.

II.—THE PERIOD FROM THE FOUNDING OF THE COLONY TO THE ACT OF TOLERATION IN 1649.

This is the period of the development of religious toleration.

1. Lord Baltimore's intention with regard to religious freedom is clearly shown by a letter of his son Charles, written in 1678. It says: "My father, albeit he had an

absolute liberty given to him and his heirs to carry thither any persons out of any the dominions that belonged to the Crown of England who should be willing to go thither, yet when he came to make use of this liberty he found very few who were inclined to go and seat themselves in those parts but such as for some reason or other, could not live with ease in other places and of these a great part were such as could not conform in all particulars to the several laws of England relating to religion. Many there were of this sort of people who declared their willingness to go and plant themselves in this province so as they might have a general toleration settled there by a law by which all of all sorts who professed Christianity in general might be at liberty to worship God in such manner as was most agreeable with their respective judgments and consciences, without being subject to any penalties whatever for their so doing, provided the civil peace were preserved. And that for the securing the civil peace, and preventing all heats and feuds which were generally observed to happen amongst such as differ in opinions upon occasion of reproachful nicknames, and reflecting upon each other's opinions, it might by the same law be made penal to give any offense in that kind. These were the conditions proposed by such as were willing to go and be the first planters of this province; and without the complying with these conditions, in all probability this province had never been planted. To these conditions my father agreed; and accordingly soon after the first planting of this province these conditions, by the unanimous consent of all who were concerned, were passed into a law; and the inhabitants of this province have found such effects from this law, and from the strict observance of it, as well in relation to their quiet as in relation to the farther peopling of this province, that they look on it as that whereon alone depends the preservation of their peace, their properties, and their liberties."¹

¹See Archives of Maryland: Council II., 267-8. In this quotation the spelling and punctuation have been modernized.

In the light of this should be taken the following extracts from a letter written in 1638 by Cornwallleys, one of the most prominent of the original settlers: "Perhaps this fault hath beene permitted in vs as A favoure toe yr Lo^p whereby you may declare the Sincerety of yr: first pyouse pretence for the Planting of this desert Province, w^{ch} will bee toe much doubted of if you should take Advantage of oure Ignorant and vncontentionable proceeings toe Assume more than wee can Justly giue you."¹

And a little further on: "Y^r Lo^p knowes my Securety of Contiens was the first Condition that I expected from this Government."

In keeping with this are his instructions to the first colonists, from which is taken this extract: "Inpri: His Lo^{pp} requires his said Gouvernor & Commissioners th^t in their voyage to Mary Land they be very carefull to preserue vnity & peace amongst all the passengers on Shipp-board, and that they suffer no scandall nor offence to be giuen to any of the Protestants, whereby any iust complaint may heerafter be made, by them, in Virginea or in England, and that for that end, they cause all Acts of Romane Catholique Religion to be done as priuately as may be, and that they instruct all the Romane Catholiques to be silent vpon all accasions of discourse concerning matters of Religion; and that the said Gouvernor & Co^missioners treat the Protestants wth as much mildness and fauor as Justice will permitt. and this to be obserued at Land as well as at Sea." (Calvert Papers, Vol. I., p. 132.)

And in keeping with this liberal policy he offered the same toleration a few years later to such persons from Massachusetts as would move to Maryland. In proof of this the following extract is given from Gov. Winthrop's Journal for 1643: "The Lord Bartemore being owner of much land near Virginia, being himself a papist, and his brother, Mr. Calvert the governour there a papist also, but the colony

¹ Calvert Papers, p. 172.

consisted both of protestants and papists, he wrote a letter to Captain Gibbons of Boston, and sent him a commission, wherein he made tender of land in Maryland to any of ours that would transport themselves thither, with free liberty of religion, and all other privileges which the place afforded, paying such annual rent as should be agreed upon; but our Captain had no mind to further his desire herein, nor had any of our people temptation that way."¹

Some time before 1649² he seemed also to have promised religious toleration to Puritan refugees from Virginia, for the author of '*Leah and Rachel*,' a pamphlet published in 1656, says: "Maryland was courted by them [the Puritans] as a refuge, the Lord Proprietor and his Governor solicited to, and several addresses and treaties made for their admittance and entertainment into that province; their conditions were pitied, their propositions were hearkened to and agreed on, which was, that they should have convenient portions of land assigned them, liberty of conscience, and privilege to choose their own officers, and hold courts within themselves. All was granted them," etc.

These extracts prove that, from the first, Baltimore's plan was to maintain religious toleration in Maryland.

2. But not only was religious toleration promised by Baltimore, it was enforced also in various ways by him, and by the government in the colony, as will be evident from the following facts:

(a) A proclamation was made against all disputes that tended to "cherish a faction in religion." Neither the form nor the precise date of this is known, but it was at least as early as 1638; for in that year we have a full account of the trial of William Lewis, who had quarreled rather violently with two servants on religious questions; and in the record

¹ Winthrop's History of New England, ed. by Savage, II., 149.

² This was before 1649, because the author of '*Leah and Rachel*' says that after they came to Maryland the Puritans participated in the Assembly which passed the Act of Toleration.

of the proceedings occurs the following sentence: "The Captain, likewise, found him to have offended against the public peace, and against the proclamation made for the suppressing of all such disputes tending to the cherishing of a faction in religion; and therefore fined him likewise five hundred pounds to the Lord of the Province."¹

(b) But religious freedom was maintained in a more thorough way than by mere proclamation. In the oath which governor and councillors were required to take on entering their office, there was a clause which required them to maintain religious toleration in the colony. Exactly when this clause was first inserted in the oath is a disputed point. Chalmers says² it was taken in this form "between 1637 and 1657"; but what ground he had for this assertion is not known, and his phraseology is ambiguous. It may mean constantly between 1637 and 1657, or it may mean sometimes between those years. I have searched the records carefully, and find the oath with the toleration clause taken after, but never before, 1648. The following is the clause in question in the oaths for governor and councillors in the form in which it was sent out by Baltimore, August 6, 1648:

"I will not by myself nor any person directly or indirectly trouble molest or discountenance any person whatsoever in the said Province professing to believe in Jesus Christ and in particular no Roman Catholick for or in respect of his or her Religion nor in his or her free exercise thereof within the said Province so as they be not unfaithful to his said Lordship or molest or conspire against the Civil Government Established here under him."³ Thus far the governor's and the councillor's oaths agree, but the governor's oath contains in addition the following: "nor will I make any difference of Persons in Conferring of Offices Rewards or Favours proceeding from the Authority which his said Lordship hath

¹ Archives of Maryland, Provincial Court, II., 38.

² Chalmers: *Annals*, p. 235.

³ Archives of Md., Council I., 210, 214.

conferred upon me as his Lieu^t here for in Respect of their s^d Religion Respectively but nearly as I shall find them faithful and well deserving of his said Lordship and to the best of my understanding endowed with moral virtues and abilities fitting for such Rewards Offices or favours wherein my prime aim and end from time to time shall sincerely be the Advancement of his said Lordships service here and the publick unity and Good of the Province without Partiality to any or any other sinister end whatsoever and if any other Officer or Person whatsoever shall during the time of my being his said Lordships Lieutenant here without my consent or Privy molest or disturb any Person within this Province professing to believe in Jesus Christ meerly for or in Respect of his or her Religion or the free exercise thereof upon notice or Complaint thereof made unto me I will apply my Power and Authority to Relieve and Protect any Person so molested or troubled whereby he may have right done him for any damage which he shall suffer in that kind & to the utmost of my power will Cause all and every such person or persons as shall molest or trouble any other Person or Persons in that manner to be punished."

3. Promises, proclamations and oaths may very well indicate Baltimore's policy with regard to religious freedom; but equally important with the policy is the way in which that policy is carried out in the concrete cases. And it was not long before the test case arose that was to decide whether this policy was practicable and had behind it energy and discretion enough to give it vitality. The test came in the conflict between canon and civil law. Dr. Wm. Hand Browne puts the case as follows:

"In England, testamentary matters, the appointment of administrators, etc., were under the jurisdiction of the ecclesiastical courts. In Maryland, as yet, there were no ecclesiastics but the Jesuits; were they to have control over all orphans' estates? One of the rights most strongly asserted by the Church of Rome was that priests and church property were

amenable to ecclesiastical law only; were they to be put on the same footing as laymen—to be liable to summons, arrest, or distraint, to civil or criminal process in the ordinary courts of law?"¹

Clearly if such things as testamentary matters are to be in the hands of ecclesiastics, and if priests and church property are to be subject only to ecclesiastical law, ecclesiastical courts must be recognized in the colony. But this would be inconsistent with Baltimore's plans for religious freedom and equality.

Further, from the founding of the colony, the Jesuits, though not numerous, had been zealous and energetic, and had made a number of converts, not only among the colonists, but also among the Indians. "In return, the kings and chiefs had given them immense grants of land, which, in addition to those taken up under the conditions of plantation, were held by Thomas Copley, one of their members, to the use of the order. Here was another danger. Were lands in Maryland to be held by any other title than as grants from the Proprietary? Were great estates to grow up, held in mortmain, always increasing, and never reverting to secular hands?"² Baltimore saw the danger of these tendencies and firmly resisted them.³ In this he was earnestly supported by Mr. Lewgar, his secretary, a Protestant recently converted to Catholicism, as is indicated by the following extract from a letter written in 1628 by Mr. Copley, a Roman Catholic, to Baltimore:

"First there is not any care at all taken, to promote the conuersion of the Indians. to prouide or to shew any fauor to Ecclesiasticall persons, or to preserue for the church the Immunitye and priueledges, w^{ch} she enioyeth euery where else; *But rather M^r. Lugar seemeth to defend opinions here,*

¹ Browne: George and Cecilius Calvert, p. 103.

² Browne: George and Cecilius Calvert, p. 104.

³ On the contest between the Proprietary and the Jesuits, see Johnson: Foundation of Maryland, pp. 55-94.

*that she hath noe priueledges iure diuino. That bulls Canons and Casuists are little to be regarded in these cases, because they speake for themselues, as if others oposing them had noe selfe interest and therfor must know better what belongs to the church then she hirsselfe. That Priueledge are not due to the church till the common wealths in w^{ch} the church is grante them. And therfor while they grante none, I doubte that not only M^r Lugar, but also some others that I feare adhere to much to him, conceaue that they may proceed wth Ecclesiasticall persons and wth others, and accordingly they seeme to resolve to bind them to all there lawes, and to exacte of them as of others.”*¹

The course which Lewgar adopted to attain his ends is thus described in the record of the Society of Jesus: “Therefore this Secretary having summoned the Parliament in Maryland, composed, with few exceptions, of heritics and presided over by himself, in the name of the Lord Baltimore himself, he attempted to pass the following laws, repugnant to the Catholic faith and ecclesiastical immunities; That no virgin can inherit unless she marry’s before 29 years of age; that no ecclesiastic shall be summoned in cause, civil or criminal, before any other than a secular judge; that no ecclesiastic shall enjoy any privilege, except such as he is able to show *ex Scriptura*, nor to gain anything for the Church, except by the gift of the Prince, nor to accept any site for a church or cemetery, nor any foundation from a convert Indian King, nor shall any one depart from the Province even to preach the Gospel to the infidels by authority of the See Apostolic, without a license from the laye Magistrate; nor shall any one exercise jurisdiction within the Province which is not derived from the Baron, and such like.”²

These measures seem never to have become laws, as they do not appear in the records. But about this time testamentary matters were, by act of the Assembly of the colony, formally

¹ Calvert Papers, p. 162-3.

² Johnson: Foundation of Maryland, p. 81.

brought under civil jurisdiction ; for in "an Act ordeining certain laws for the government of this Province," passed by that body in March, 1638-9, and approved by the Proprietary, there occurs the following clause : "The Secretary shall prove wills and grant Administrations and use and appoint all power and means necessary or conducing thereunto."¹

And in 1640, the civil power assumed control likewise of marriages and the Assembly passed the following act in regulation thereof :

" An Act touching Marriages.

No partie may Solemnize marriage with any woman afore the banes 3 days before published in some Chappell or other place of the County where publique instnts are used to be notified or else afore oath made & caution entred in the County Court that neither partie is apprentice or ward or pre-contracted or within the forbidden degrees of consanguinity or under govermt, of parents or tutors and certificate of such oath & caution taken from the Judge or Register of the Court upon paine of fine & recompense to the partie grieved."

This act was to endure for two years after the end of this Assembly. Lewgar's attempt had in large part failed. But in the contest over the laws which he urged, the Jesuits naturally sided in favor of the canon law, and strove so earnestly to maintain what they regarded as their privileges under that system that Baltimore, who was determined to do away with these privileges, thought it best to obtain their withdrawal from the colony and to have secular priests sent out in their stead.

"The said Baron, with others favorable to his opinions, began to turn his attention to the expulsion of the Fathers, and the introducing others in their stead, who would be more pliable to his Secretary. Therefore he proceeded last year, to petition the Sacred Congregation of the Propagation of the Faith, in the name of the Catholics of Maryland, to grant a

¹ Archives of Maryland, Assembly I., 83.

Prefect and priests of the Secular Clergy, faculties for the same mission, making no mention in the meantime, of the labors of the Fathers undertaken in that harvest, nor expressing the motives which induced him to substitute new priests . . . But the Sacred Congregation, being entirely ignorant of these matters, granted the Petition.”¹

In November, 1641, Baltimore issued new “Conditions of Plantation,” containing in the last two sections provisions against holding land in mortmain, and accompanied by an oath which was to be administered to those taking up land, and which bound its taker to receive and hold land from no one except the Proprietary. For some unknown reason the last two sections and the oath seem not to have been published.

When these were received in Maryland, the Governor and Lewgar visited the Jesuits and the whole matter of ecclesiastical privileges was discussed anew. The question was referred by the Jesuits to their Provincial in England, and by him to Rome. Finally the Provincial officially declared that the conditions of plantation and the oath contained nothing which the Jesuits might not comply with, and formally gave up all lands held by them and all right to acquire land except from the Proprietary.

Thus ended the contest over the canon law. Causes testamentary and matrimonial were now formally brought under the jurisdiction of the civil courts, and the Jesuits formally renounced the right to acquire land except with the consent of the Proprietary. On June 20, 1648, new conditions of plantation were sent out and published, containing practically the same sections about mortmain and accompanied by virtually the same oath as in 1641.²

The more general question of ecclesiastical privileges was not formally settled, but there were no established clergy and no ecclesiastical courts, so no privileges could really be put into practice; and, furthermore, the policy of the admin-

¹ Records of the Society of Jesus, in Johnson, p. 82.

² Archives of Maryland, Council I., 236-7.

istration had been emphatically announced on this point, had met with no successful opposition and remained in possession of the field.

4. But in developing religious freedom in the colony, Baltimore and his executives did not work alone. From the first the colonists themselves, through the Assembly, took part in the formation of the policy which should regulate religious affairs.

The existing records of the Assembly proceedings begin in January, 1637-8. There seems to have been some kind of Assembly before this, and it is quite possible that it passed some Act of Toleration. In 1758 the Upper and the Lower Houses were discussing the claims of Papists to consideration in Maryland; and the Upper House said: "After the charter was thus granted to Lord Baltimore, who was then a Roman Catholic, his lordship emitted his proclamation to encourage the settlement of his province, promising therein, among other things, liberty of conscience, and an equal exercise of religion to every denomination of Christians who would transport themselves and reside in his province, and that he would procure a law to be passed for that purpose afterwards. The first or second Assembly that met after the colonists arrived here, some time in the year 1638, a perpetual law was passed, in pursuance of his lordship's promise, and, indeed, such a law was easily obtained from those who were the first settlers. This was confirmed in 1649 and again in 1650."¹

To this may refer also a sentence in the letter, already quoted, of Charles Calvert, written in 1678. Writing about the demands of the first settlers for a promise of toleration before leaving home, he says: "To these conditions my father agreed; and accordingly soon after the first planting of this province these conditions by the unanimous consent of all who were concerned were passed into a law."

But if any such act were passed before 1637, no trace of it

¹ Given in Scharf, I., 154.

has remained. The earliest extant act touching religion is this, which was passed in 1637-8: "Holy Church within this province shall have all her rights and liberties."¹

In June, 1640, occurs the following: "An Act for Church liberties. Holy Church within this Province shall have and enjoy all her Rights liberties and Franchises wholly and without Blemish."²

The early acts of the Assembly are full of phrases from Magna Charta, and the two acts just quoted are clearly imitations of the same document. What was their precise meaning the framers themselves would probably have been puzzled to tell. They doubtless had no very clear or consistent ideas as to the relation of State to Church, and did not draw very sharply the line between creed and conduct. In an act of 1642 for the punishment of "lesse capital offences," sacrilege and sorcery are ranked side by side with homicide, burglary, piracy, etc. But a certain rough idea of fair play in religious matters appears in an incident recorded in the proceedings of the Assembly in 1641-2: "The petition of the Protestants was read complaining against Mr. Thomas Gerard for taking away the Key of the Chappel and carrying away the Books out of the Chappel and such proceedings desired against him for it as to Justice appertaineth. Mr Gerard being charged to make answer the house upon hearing of the Prosecutors and his defense found that Mr Gerard was guilty of a misdemeanour and that he should bring the Books and Key taken away to the place where he had them and relinquish all title to them or the house and should pay for a fine 500l tobacco towards the maintenance of the first minister as should arrive."³

Also, as has been mentioned in another connection, the Assembly made the regulation of testamentary matters in 1638, and of marriages in 1640, subject to civil law. These

¹ Archives of Maryland, Assembly I., 83.

² Archives of Maryland, Assembly I., 96.

³ Archives of Maryland, Assembly I., 119.

acts are disconnected and show a lack of clear ideas on the fundamental questions of the relation of State to Church ; but there is in them a certain rough love of liberty that is not altogether out of keeping with the great act which constituted the legal corner-stone of religious freedom in Maryland, the Act of 1649.

The provisions of this Act are as follows :¹

“ Acts of Assembly of the 21 of Aprill
1649.

Confirmed by the Lord Proprietary by
an instrument under his hand & seale
26th of August 1650

Phillip Calvert.

Acts and Orders of
Assembly assented
unto Enacted and
made at a Genall
Sessions of the said
Assembly held at St
Maries on the one
and twentieth day
of Aprill Anno Dm
1649 as followeth
viz:

“ An Act concerning Religion fforasmuch as in a well governed and Xtian Comon Wealth matters concerning Religion and the honor of God ought in the first place to be taken into serious consideracōn and endeavoured to bee settled. Be it therefore ordered and enacted by the Right Ho^{ble} Cecilius Lord Baron of Baltimore absolute Lord and Proprietary of this Province with the advice and consent of this Generall Assembly. That whatsoever pson or psons within this Province and the Islands thereunto belonging shall from henceforth blaspheme God, that is Curse him, or deny our Saviour Jesus Christ to bee the sonne of God, or shall deny the holy Trinity the ffather sonne and holy Ghost, or the Godhead of any of the said Three psons of the Trinity or the Unity of the Godhead, or shall use or utter any reproachfull Speeches, words or language concerning the said Holy Trinity, or any of the said three psons thereof, shalbe punished with death

¹Archives of Maryland, Assembly I., 244 sq.

and confiscatōn or forfeiture of all his or her lands and goods to the Lord Proprietary and his heires.

“And be it also Enacted by the Authority and with the advise and assent aforesaid, That whatsoever pson or psons shall from henceforth use or utter reproachfull words or Speeches concerning the blessed Virgin Mary the Mother of our Saviour or the holy Apostles or Evangelists or any of them shall in such case for the first offence forfeit”. . .

Here follow the various penalties: fines, public whipping, imprisonment, banishment, according to circumstances. “And be it also further enacted by the same authority advise and assent that whatsoever pson or psons shall from henceforth uppon any occasion of Offence or otherwise in a reproachful manner or Way declare call or denominate any pson or psons whatsoever inhabiting residing traffiqueing trading or comerceing within this Province or within any the ports, Harbors, Creeks or Havens to the same belonging an heritick, Scismatick, Idolator, puritan, Independant, Prespiterian popish priest, Jesuite, Jesuited papist, Lutheran, Calvenist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Sepatist or any other name or term in a reproachfull manner relating to matter of Religion shall for every such Offence forfeit”. . .

And then follow the penalties: fine, public whipping, and imprisonment, according to circumstances. “And be it further likewise Enacted by the Authority and consent aforesaid That every person and persons within this Province that shall at any time hereafter pphane the Sabbath or Lords day called Sunday by frequent swearing, drunkennes or by any uncivill or disorderly recreacōn, or by working on that day when absolute necessity doth not require it shall for every such first offence forfeit”. . .

Then follow the penalties: fine, imprisonment and public whipping. Last is the provision for religious toleration:

“And whereas the inforceing of the conscience in matters of Religion hath frequently fallen out to be of dangerous Conse-

quence in those commonwealthes where it hath been practised, And for the more quiett and peaceable government of this Province, and the better to p̄serve mutuall Love and amity amongst the Inhabitants thereof. Be it Therefore also by the Lo: Proprietary with the advise and consent of this Assembly Ordeyned & enacted (except as in this p̄sent Act is before Declared and sett forth) that noe person or psons whatsoever within this Province, or the Islands, Ports, Harbors, Creekes, or havens thereunto belonging professing to believe in Jesus Christ, shall from henceforth bee any waies troubled, Molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof within this Province or the Islands thereunto belonging nor any way compelled to the beliefe or exercise of any other Religion against his or her consent, soe as they be not unfaithfull to the Lord Proprietary, or molest or conspire against the civill Government established or to bee established in this Province under him or his heires.

“ And that all and every pson and psons that shall presume Contrary to this Act and the true intent and meaning thereof directly or indirectly either in pson or estate willfully to wrong disturbe trouble or molest any person whatsoever within this Province professing to believe in Jesus Christ for or in respect of his or her religion or the free exercise thereof within this Province other than is provided for in this Act that such pson or psons soe offending, shalbe compelled to pay trebble damages to the party soe wronged or molested, and for every such offence shall also forfeit 20^s sterling in money or the value thereof, half thereof for the use of the Lo: Proprietary, and his heires Lords and Proprietaries of this Province, and the other half for the use of the party soe wronged or molested as aforesaid, Or if the ptie soe offending as aforesaid shall refuse or bee unable to recompense the party soe wronged, or to satisfy such ffyne or forfeiture, then such Offender shalbe severely punished by publick whipping & imprisonm^t during the pleasure of the Lord Proprietary, or his Leiuetenāt

or cheife Governor of this Province for the tyme being without baile or maineprise."

The act closes with provisions for carrying it out. Like most great constitutional documents, this act is not absolute in its provisions. The toleration which it grants is conditioned in several ways. The benefits are confined to those professing to believe in Jesus Christ; the doctrine of the Trinity must not be denied or reviled, on penalty of death; no reproach may be uttered against the Virgin Mary or the Evangelists; the "Sabbath" must be strictly observed, and, of course, no religion is permitted to interfere with the civil government.

But in spite of, or rather perhaps because of, these limitations, the act concerning religion marked a long step forward. It proved practicable and worked well. Through forty years of strain and stress it remained, with one brief intermission, the constitutional basis of religious freedom. This is not the place to discuss its relation to any ordinance of the English Parliament in 1645, 1647, or any other year, nor to speculate upon its close resemblance to portions of the 'Utopia.' At that time the *idea* of toleration was no longer private property. From the days of the new learning it had entered the minds of many noblemen, and the attempt to trace the provisions of this act to any English precedent would be speculation.

Nor is it possible fully to determine Baltimore's share in its drafting. That many of the acts passed at this and the following sessions of the Assembly were at least based on a body of laws sent out by Baltimore in 1648 for the approval of the colonists, is reasonably certain.¹ That in this body of laws there was "provision made for freedom of consciences," Baltimore himself states.² But how far the act as passed by the Assembly corresponded with the provision in the laws sent out by Baltimore cannot definitely be determined. Further,

¹ Johnson, p. 113-126.

² Johnson, p. 125, and Archives of Md., Assembly I., 263.

in the commission accompanying this body of laws, Baltimore says that they were "proposed" to him for the good and quiet settlement of the colony, and he finding them "very fit to be enacted as laws," submitted them to the Assembly.¹ It would be interesting to know who "proposed" them, whether it was Baltimore's friend, the Provincial, Father More, as has been suggested by one writer,² or the Puritan preacher, Rev. Thomas Harrison, as intimated by another,³ or some other and unknown person. But to settle this point the evidence is again insufficient.

Of this much, however, we can be certain: first, the act was essentially in harmony with Baltimore's policy and gave it legal power; second, it was the formal sanction and adoption of that policy by the people of the colony. It was therefore the formal culmination at once of the policy of the Proprietary and of the legislation of the colonists.

5. Much energy has been devoted to the discussion as to whether the toleration thus established in Maryland was the work of Roman Catholicism or of Protestantism. The discussion has turned mainly on three points: (a) The faith of the colonists before 1649; (b) the faith of the Assembly of 1649; (c) the motive of Baltimore's policy. And although from a constitutional standpoint the question is of small importance, yet it has been so much debated that it may be well to say a few words about it here.

(a). As to the faith of the colonists before 1649, the testimony is as follows:

The Provincial Father More writes in 1642, "the affair was surrounded with many and great difficulties, for in leading the colony to Maryland, by far the greater part were heretics."⁴

Father White writes in 1641, "three parts of the people in four at least are heretics."⁵

¹ Johnson, p. 116.

² Johnson, p. 133-4.

³ Neill: *Maryland not a Catholic Colony*, p. 10.

⁴ Johnson, p. 32.

⁵ Johnson, p. 32.

Governor Winthrop, in 1634, writing in his journal the report of the Maryland settlers which was brought by a vessel on its return from Bermuda, says: "and those who came over were, many of them, Papists, and did set up mass openly."¹

In a passage already mentioned in 'Leah and Rachel,' a pamphlet published in 1656, Mr. Hammond describes the coming to Maryland of Virginia Puritans, and the Assembly of 1649, held after their arrival, and says: "An Assembly was called throughout the whole country after their coming over (consisting as well of themselves as the rest), and because there were some few Papists that first inhabited there themselves, and others being of different judgments, an act passed," etc.

In 1700 it was the testimony of old settlers that "some, though but few, Papists were at the first seating."

Governor Sharpe writes in 1758: "It might, perhaps, be unknown, if not to the authors; at least to some of the propagators of the above-mentioned report, that the people who first settled in this province were, for the most part, Roman Catholics, and that, though every other sect was tolerated, a majority of the inhabitants continued Papists till the revolution."²

Chalmers says in the 'Annals': "The first emigration, consisting of about two hundred gentlemen of considerable fortune and rank, with their adherents, who were composed chiefly of Roman Catholics, sailed from England, in November, 1632."³

From this apparently conflicting testimony we turn to circumstantial evidence. Here no conclusion can be drawn *a priori* as to who would take advantage of the refuge offered in Maryland, for others besides Roman Catholics failed to find in England the religious freedom they desired. Nor can

¹ Winthrop, I., 134.

² Sharpe Correspondence, II., 315 (in Archives of Maryland).

³ Chalmers: Annals, p. 207.

any just inference be drawn from the oath administered by the 'London Searcher' to 128 of the first settlers as they were about to sail from England, for that oath was merely the oath of *allegiance*, as the 'Searcher' himself states in his official report.¹ This might readily have been taken by any Catholic, and was distinct from the oath of Supremacy, which no true Catholic could take, as may be seen from the Massachusetts charter of 1628, which grants power to certain officials "to administer and give the oath and oaths of supремacie and allegiance or either of them, to all and every person and persons," etc.²

To infer a Protestant majority from the case of Ingle's rebellion is on many accounts absurd. It is also impossible to infer the religion of the colonists before 1649 from the proportion after that date, because after 1650 there occurred large accessions of Protestants.

A few facts, however, are reasonably certain. On the one hand, Kent Island was originally settled by Protestants, and a considerable number of Puritans came from Virginia before 1649. On the other hand, most of the prominent men during the early years of the colony were Catholics, and the zeal of the Jesuits made many converts. Father White says in 1638: "Of the Protestants who came from England this year, almost all have been converted to the faith."³

To sum up, the evidence is not of such a character as to warrant a positive decision as to the relative numbers of Protestants and Catholics in the colony before 1649, but after balancing the testimony and considering the indirect evidence it seems probable that numerically the Protestants were in the majority, but the influence and power of the Catholic minority were greater than their numerical proportion would indicate.

(b) As to the faith of the members of the Assembly of 1649

¹ Scharf, I., 67.

² Lucas: Charters, etc., p. 42.

³ Given in Neill: Maryland not a Catholic Colony, p. 3.

which passed the Act of Toleration, it is reasonably certain that the Roman Catholics were somewhat in the majority. But here again the precise proportion is uncertain.¹

(c) Touching the motive which lay behind Baltimore's policy of toleration, little need be said. No one can doubt the sincerity of his faith, for he remained a Catholic when it was notably against his interests to do so. That he was a statesman and diplomat of much resource and ability is proved by the success with which he directed his course during the stormiest and most intricate period of English history. To his interest in the temporal welfare of the colony the inhabitants themselves testified on several occasions. But neither sectarian zeal nor mercenary motives seem sufficient to account for his course. His firm stand in favor of toleration, maintained with consistency and impartiality for forty years against Jesuit and Puritan alike, seems to indicate something more and better than a wily policy which uses the cloak of toleration to protect a single creed. In a word, the only probable explanation of his policy seems to be found in that policy. It was toleration chiefly for the sake of toleration.

In closing this second main division of the subject, the conclusions reached may be summarized as follows: From the beginning Baltimore intended that the colonists should enjoy religious freedom. This policy he maintained by proclamation and oaths, and successfully enforced against the claims of canon law. His policy was gradually sanctioned by the legislation of the colonists, and both his policy and their legislation culminated in the Act of 1649, which was a measure not of absolute but of large toleration.

¹ See the investigations of Mr. Davis in his 'Day Star.'

III.—THE PERIOD FROM THE ACT OF 1649 TO THE
PROTESTANT REVOLUTION OF 1689.

In treating this period the object will be to trace the changes that took place in the policy of toleration already established and to examine its practical working. The chief points of interest will be the fate of this religious freedom under Puritan control from 1654 to 1656, the status of Jews and Quakers, and the effort made about 1676 to establish the Church of England.

1. *Religious Freedom under Puritan Government (1654-6).*

It is needless to trace here in detail the events that placed the government of Maryland in Puritan hands. No attempt will be made to determine the right or the wrong of what has, perhaps rightly, been called the Puritan Rebellion. With political events as such this paper is not concerned. For our purpose it is sufficient to notice that this revolution in the government was caused, not by religious oppression, which under the circumstances would have been absurdly impolitic, and is sufficiently disproved by the previous policy of the government and by the statement of a number of Protestants in the Protestant Declaration of 1650,¹ but by the following three things :

1. The intolerant spirit of the growing Puritan element in the colony, "while joyfully accepting freedom of worship for themselves, they overlooked the fact that their neighbors, of a different way of thinking, had freedom of worship also."¹ They had "scruples of conscience" about a variety of things. "The fact, also, that the government which they had agreed to support was bound not to molest Roman Catholics, caused them many searchings of heart lest they should be incurring the guilt of permission."²

2. The contemporary events of the Puritan Revolution in

¹ Given in Scharf, I., 181.

² Browne : George and Cecilius Calvert, p. 139.

England, which at once fired their discontented and intolerant spirits, and by impeding the Proprietary's movements, gave them their opportunity.

3. The use which was made of these two elements of discord by Claiborne and other enemies of the government.

These facts are so generally admitted by the best historians that it is unnecessary to cite the evidence in proof of them.

Turning to what most concerns our purpose, the *legislation* under the Puritan government, we find that the Assembly met in October, 1654; that from it were excluded all such "as have borne Armes in Warr against the Parliament or doe profess the Roman Catholic Religion";¹ that it repealed the Act of 1649² and substituted the following *Act concerning Religion*:³

"It is Enacted and Declared in the Name of his Highness the Lord Protector with the Consent and by the Authority of the present Generall Assembly that none who profess and Exercise the Popish Religion Commonly known by the Name of the Roman Catholick Religion can be protected in this Province by the Lawes of England formerly Established and yet unrepealed nor by the Government of the Commonwealth of England Scotland and Ireland and the Dominions thereunto belonging Published by his Highness the Lord protector but are to be restrained from the Exercise thereof, Therefore, all and Every person or persons Concerned in the Law aforesaid are required to take notice.

"Such as profess faith in God by Jesus Christ (though Differing in Judgment from the Doctrine worship & Discipline publickly held forth shall not be restrained from but shall be protected in the profession of the faith) & Exercise of their Religion so as they abuse not this Liberty to the injury of others. The Disturbance of the publique peace on their part, Provided that this Liberty be not Extended to

¹ Archives, Council I., 313.

² Archives, Assembly I., 351.

³ Archives, Assembly I., 340-1.

popery or prelacy nor to such as under the profession of Christ hold forth and practice Licentiousness."

Comparing this with the Act of 1649, the most striking difference is that, whereas the earlier act gave religious freedom to all professing to believe in Jesus Christ, this one expressly prohibits the exercise of the Roman Catholic religion. On the other hand, this act altogether omits the extreme provisions of the other with regard to blasphemy and reproaches uttered against the Virgin or the Evangelists, as also those touching recriminations and the observance of the Sabbath. Swearing is treated, according to the early custom of the colony, as disorderly conduct and is provided against in a separate and moderate act.¹ The observance of the "Sabbath" is also provided for in a separate act as strict as the provisions of the act of 1649: "Noe work shall be done on the Sabbath day but that which is of Necessity and Charity to be done no Inordinate Recreations as fowling, fishing, hunting or other, no shouting of Gunns be used on that day Except in Case of Necessity."²

On the whole, the act of 1654 is the same as that of 1649 with two exceptions:

1. It omits the harsh provisions against blasphemy.
2. It excludes Catholics from its protection.

Both acts provide that religious liberty shall not infringe upon the rights of the civil government.

After a series of events which concern only the political history of the colony, Baltimore, on November 30, 1657, regained possession of the government, and the former régime was restored. Foreseeing his restoration, he had on October 23, 1656, ordered the act of 1649 to be again observed;³ and in the articles of settlement of November 30, 1657, occurs the provision (of which the revolutionists were now glad

¹ Archives, Assembly I., 343.

² Archives, Assembly I., 343.

³ Archives of Md., Council I., 325.

enough to avail themselves) that he should never consent to its repeal.¹

Thus the period of Puritan control passed away without leaving any *formal* change in the relation of State to Church. But in less tangible ways its effects survived. No repeal of laws can do away with the bitter feelings that arise in a civil war, especially if the parties be separated by religious as well as political differences. And the result of the strife that attended this revolution is to be found in a feeling of intolerance and dissatisfaction, which may be traced with more or less clearness down to the Revolution of 1689.

2. *The Status of Jews and Quakers.*

The religious liberty granted by the act of 1649 was, as has been said, not absolute. It was limited by two chief conditions: profession of the Christian religion and submission to the civil government. Nor were these limitations unimportant. The first excluded the Jew, and the second bore heavily upon the Quaker. To examine the status of these two classes is to trace, then, in part the practical operation of the act.

There seem to have been very few Jews in Maryland during this period, and the case of Dr. Lumbrozo will be sufficient to show their condition. Mr. Davis, in a note in his 'Day Star,' thus states the case: "In the text I have referred to Dr. Lumbrozo, the well known Jew (for he seems to have observed no secrecy), who lived some time in Maryland, without rebuke from the government, in the usual exercise of his calling, and of the right to institute actions in the civil court. We cannot doubt he was also allowed the *quiet* enjoyment of his religion. But he was accused of blasphemy, and although he fortunately escaped a trial, in consequence of the pardon accompanying the proclamation in favor of Richard, the son of the Lord Protector—a proclamation which

¹ Archives of Md., Council I., 334.

was issued but a few days after the accusation—the case is one which was instituted under the act of 1649.”¹

The case of the Quakers is not so readily disposed of. Their large numbers and the changes which their status underwent warrant a fuller treatment. We shall therefore state the early policy of the government towards them, then say a few words as to its significance, and finally trace its later development. The Quakers first entered Maryland about 1657.² In that year some missionaries came from Virginia and rapidly made proselytes. Thus arose a sect whose religious scruples brought them into conflict with the civil government on two points: taking oaths and bearing arms. Both these things were vitally connected with the system on which the government was administered, and the law was accordingly enforced against them.³ In the first year (1658), according to Besse, some forty persons at least were punished, chiefly by fines, but sometimes by whipping.

As to the significance of these facts several things are to be said.

1. The rise of the Quakers was so sudden and their tenets so novel that they were not fully understood. They seemed merely insolent fellows who “at the Court, in contempt of an order then made and proclaimed, would presumptuously stand covered,” and asserted that “they were governed by God’s lawe and the light within them and not by man’s lawe.”⁴

2. Their claims to exemption from military duty and from the customary oaths struck squarely at what were considered two essential features of the colonial government.

3. To allow the customary oaths to be omitted by jurymen or in testamentary matters would have been a dangerous innovation on English Common Law, and might on that

¹ Day Star, p. 65.

² See J. S. Norris, *The Early Friends in Maryland*.

³ See Archives of Md., Council I., 348-50, 352, 362, and the cases cited in Besse, *Sufferings of the Quakers*, II., 278-80.

⁴ Archives, Council I., 352.

ground have been construed as contrary to the charter and have involved the Proprietary in complications in England.

4. As the Upper House said in 1662,¹ the omission of oaths would have rendered "all Testimonies taken in this Province invalid in any court in England or other plantations."

But what could, or ought to, have been done it is not our duty to decide. The policy that was adopted by the government has been stated. The changes that took place in this policy must now be traced. The Quakers increased rapidly in numbers and influence. Fox's visit to Maryland in 1672 greatly strengthened them.² Prominent men became Quakers and Quakers became prominent men.³ As they increased in influence and were better understood, the attitude of the government toward them became more favorable. Their chief trouble seems to have arisen from the necessity of taking oaths. Several attempts were made to substitute "Yea" and "Nay"; for example, in 1662,⁴ in 1674,⁵ and in 1681.⁶ These all failed, and those who refused the oaths were fined.⁷

In 1688 Baltimore issued a proclamation dispensing with oaths in testamentary cases.⁸ This gave some relief and was gratefully acknowledged by the Quakers.⁹ But although the fact that Thurston was excused from the oath of fidelity in 1688¹⁰ indicates an occasional leniency of administration, yet not until 1702 was an act passed entirely relieving them from all necessity of taking oaths.

¹ Archives, Assembly I., 437.

² Fox, Journal, II., 124.

³ Day Star, 77, and Norris, p. 15.

⁴ Archives of Maryland, Assembly I., 436-7.

⁵ Archives of Maryland, Assembly II., 355-6, 424, 426, 428, 431-2, and Norris, p. 19 and note.

⁶ Archives of Maryland, Assembly III., 174, 175, 179, 184-5, and Besse, II., 387.

⁷ Besse, II., 387.

⁸ Archives, Council III., 57.

⁹ Besse, II., 387.

¹⁰ Council III., 63.

3. *The Attempt to Establish the Church of England (1676).*

In examining this movement we shall consider, first, its history; second, its results; and third, the state of religious freedom in the colony at the time.

1. The movement made in 1676 to introduce an established church seems not to have been the first of its kind in the history of Maryland.

In the Colonial Assembly of 1661 there had been introduced an "Act for Mayntenance for Ministers," which was voted to be "altogether insufficient and short of the thing aymed att."¹

In 1666 a motion had been made "Concerning the settling of ministers in every County of this Province," as is indicated by the following entry in the records:

"A Member of the howse informes the Speaker that Mr Bretton Clerk of the Assembly did reuyle Mr Rob^t Burle, calling him ffactionous fellow. Vppon a Motion wch the sd Burle made in this howse, Concerning the settling of Ministers in Every County of this Province. The wch was attested by Mr Willm Coursey, one of the Members of this howse.

"Uppon wch Informaōn the howse tooke itt into their Consideraōn, And vppon Mr. Brettons humble submission to the howse, & tht perticular Member, & his humble request that this howse would please att this time to remitt the sd offense. The wch hee hereby acknowledges hee is guilty of. And that hee did not speake or utter those words out of any abusive intent, But [occa]sioned through some distemper att that [time]."²

Both these motions seem to have failed, and are important only as forerunners of the events which cluster about the year 1676. To these we now pass. On May 25, 1676, the Rev. Mr. Yeo, a clergyman of the Church of England, who resided in Maryland, wrote the following letter to the Archbishop of Canterbury:

¹Archives, Assembly I., 404-6.

²Archives, Assembly II., 86.

“Most Reverend Father

“Pleased to Pardon this Presumption of mine in presenting to Yo^r serious view these Rude & indigested lines w^{ch} (with humble Submission) are to acquaint Yo^r Grace with the Deplorable estate & condition of the Province of Maryland for want of an established Ministry here are in this Province tenn or twelve Countys & in them at least twenty thousand Soules & but three Protestant ministers of us th^t are Conformable to the Doctrine & Discipline of the Church of England others there are (I must confess) tht Runn before they are Sent & Pretend they are Ministers of the Gospell th^t never have a Legall call or Ordination to such an holy office, neither (indeed) are they qualified for it being fore the most part such as never understood any thing of learning & yet take upon them to be Dispencers of the word & to Administer Sacrament of Baptisme & sow seeds of Divission amongst the People & noe law Provided for the Suppression of such in this Province soe th^t here is a great Necessitie of able & learned men to confut the gaine sayer espetially having soe many Profest enemies as the Popish Priests & Jesuits are, who are incoraged & Provided for & the Quaker takes care & provides for those th^t are Speakers in their conventicles, but noe care is taken or Provision made for the building up Christians in the Protestant Religion by means whereof not only many Dayly fall away either to Popery, Quakerism or Phana-ticisme but alsoe the lords day is prophaned, Religion despised, & all notorious vices committed soe th^t it is become a Sodom of uncleanness & a Pest house of iniquity, I doubt not but Yo^r Grace will take it into Consideration & do Yo^r utmost for our Eternall welfare, & now is the time th^t Yo^r Grace may be an instrument of a universall reformation amongst us with greatest facillity Cacillius Lord barron Baltimore, & absolut Proprietor of Maryland being dead & Charles lord Barron of Baltimore & our Governour being bound for England this year (as I am informed) to Receive a farther confirmation of th^t Province from his Majestie at w^{ch} time I Doubt but Yo^r Grace may soe prevaile with him as th^t a maintenance for a

Protestant ministry may be established as well in this Province as in Virginia, Barbados & all other his Majesties Plantations in west indies & then there will be incoragement for able men to come amongst us, & th^t some Person may have power to examine all such Ministers as shall be admitted into any County or parish in w^t Diocis & by w^t Bishop they were Ordained, & to Exhibit their lrs of Orders to testify the Same, as yet I think the Generallitie of the people may be brought by Degrees to a uniformitie, Provided we have more ministers th^t were truly Conformable to our mother the Church & non but such Suffer to preach amongst us, as for my own part (God is my witness) I have done my utmost indeavour in order there unto, & shall (by God's assistance) whiles I have a being here give manifest Proof of my faithfull Obedience to the Canons & Constitutions of our Sacred Mother, Yet one thing cannot be obtained here (viz) Consecration of Churches & Church Yards to the end th^t Christians might be Decently buried together, whereas now they bury in the several Plantations where they lived, unless Yo^r Grace thought it Sufficent to give a Dispensation to some Pious minister (together with ther maⁿer and form) to do the same, & Confident I am th^t you will not be wanting in any thing th^t may tend most to God's Glorie & the goods of the Church by w^{ch} you will engage thousands of Soules to pray for Yo^r Graces everlasting happiness, but especially

“Yo^r Most Obedient Son

“Servt

“John Yeo”¹

The Archbishop undertook the task, and in the following letter commissioned the Bishop of London to attend to the matter:

“From the Archbishop of Canterbury to the Lord London.
Croydon, August 2nd 1676.

My Lord, The inclosed came lately unto me, and from a

¹Archives, Council II., 130-1.

person altogether unknown. The design therein proposed, seem's very honest and is in itself so laudable that I conceive it concern's us by all means to promote it: If your Lordship shall please to remember it, when the Lord Baltamores affaires comes to be considered of at the Council Table, I make no question but there may be a convenient opportunity to obtain some settled revenue for the Ministry of that place as well as the other plantations; when that is once done, it will be no difficult matter for us to supply them with such as are of competent abilities to undertake the employment and withall such as we know to be both regular and conformable. I bid your Lordship heartily farewell and am My Lord your Lordships

“Most affect. Friend and Brother

“Gillb: Cant:”¹

Some time in 1676 there was addressed to the king a curious and extravagant “Complaint from Heaven with a Hue and Crye and a petition out of Virginia and Maryland,” in which, among other requests, is the following: “That Protestant Ministers and free schools and glebe lands may be erected and established in every country, notwithstanding liberty of conscience and maintained by the people.”²

The Bishop of London seems to have executed the commission of the Archbishop of Canterbury and to have presented Yeo's letter to the Committee for Trade and Plantations, for on the records, just after the letter from the Archbishop, appears the following entry: “Recd from the Lord London 8. August 1676. With a letter from John Yeo Minister in Maryland to the Archbishop of Canterbury. Read the 19th of July 1677.”³

He was present at the meeting of this Committee on July 19, 1677, which took the affair into consideration. The following extract from the records gives their proceedings:

¹Archives of Maryland, Council II., 132.

²Archives of Maryland, Council II., 149.

³Archives of Maryland, Council II., 132.

“There is read a letter directed to the Archbishop of Canterbury from a Minister of Maryland of the 6th of May 1676 which by a letter from his Grace had been transmitted to my Lord B^p of London complaining of the abuses in the religion and morality of the inhabitants, occasioned by the discouragement of the Protestant Ministry and want of provision for such as are conformable to the Church of England and praying that care bee taken for the establishing and settlement of the Orthodox religion as in other parts of the West Indies. After which the law of Maryland concerning Religion permitting liberty of conscience and a free exercise of service to all persons and sects professing to beleieve in Jesus Christ. Whereupon the Lord Baltemore is called in who offers a paper declaring the present state of the Christian Religion in Maryland and the difficulty to establish any settled maintenance by law for the Ministry of the Church of England there being so few of that perswasion, among soe great numbers of other sectaries. Which being read their Lordships take notice of the fitness that a settled maintenance bee provided by an Act of the Country for a sufficient number of Orthodox Ministers, to which my Lord Baltimore seemed to consent and then withdrew.

“Their Lordships doe therefore agree to write a letter to my Lord Baltemore taking notice of the scandalous way of living and desiring his Lordship to give orders that either those Laws now in force be put in execution or that if they be not sufficient to restrain it other Laws may bee enacted to that purpose.

“And whereas there is at present noe settled allowance for Orthodox Ministry their Lord^{ps} will desire that Inquiry bee made what number of Protestants that conforme to the Church of England there is at present in his Lord^{ps} Province and what allowance they would agree to settle in the several Precincts for the encouragement of learned Ministers and that endeavoure bee made to ascertaine by a law of the Country, a sufficient salary for their subsistence.

“That an account be return’d from those parts of the present number of Protestant families and congregations of the Ministers now settled there what allowances they enjoy and how many others are wanting for the supply of the whole Colony. That their Lord^{ps} bee informed of the state of the several religions dissenting from the Church of England in relation to the number of their adherents, teachers, settlement or provision made for their maintenance And in general of the number condition and perswasions of all Planters. Which account the Lord Baltimore is to require from his Deputy Governor and Council and to return it to their Lordships with all possible speed. Mem^{dm} Their Lo^{ps} think fit that when allowances are settled by law in Maryland and other parts according to the abilities of the inhabitants some meanes bee found out here for the charitable supply of what shall be wanting for the subsistence of the Ministers. As alsoe the several Governors are to find out some farther encouragement for them when they have been there some time either by assigning them lands or otherwise.”¹

The paper in which Baltimore explained the state of religious affairs in the province is as follows: “Whereupon the Lord Baltimore presents a Paper setting forth the Present State of Religion in Maryland. viz: That for the encouragement of all such persons as were desirous and willing to adventure and transport themselves & families into the Province of Maryland a law there made by the advice and consent of the Delegates of the Freemen concerning Religion, wherein a toleration is given to all persons beleiving in Jesus Christ freely to exercise their Religion & that no person of what judgement soever, beleiving as aforesaid should at any time be molested or discountenanced for or in respect of his Religion or in the free exercise thereof and that noe one should be compelled to the beliefe or exercise of any other against his consent. Upon this Act the greatest part of the people and Inhabitants now in Maryland have settled them-

¹Archives of Maryland, Council II., 261-2.

selves & families there & for these many years this toleration & liberty has been known and continued in the Government of that Province.

“That those Persons of the Church of England there who at any time have encouraged any Ministers to come over unto that Province have had several sent unto them as at this time there are residing there foure that the L^d Baltemore knows of who have Plantations & settled beings of their owne and those that have not any such beings are maintained by a voluntary contribution of their own persuation, as others of the Presbiterians, Independents, Anabaptists, Quakers & Romish Church are.

“That in every Country in the Province of Maryland there are a sufficient number of Churches and Houses called Meeting Houses for the people there and these have been built and are still kept in good repaire by a free and voluntary contribution of all such as frequent the said Churches and Meeting Houses.

“That the Laws of that Province have been ever made by the advice and consent of the Freemen by their Delegates assembled as well as by the Proprietor and his Council and without the consent of all these no Law there has been made.

“The greatest part of the inhabitants of that Province (three of four at least) doe consist of Præsbyterians, Independents, Anabaptists and Quakers, those of the Church of England as well as those of the Romish being the fewest, so that it will be a most difficult task to draw such persons to consent unto a Law, which shall compel them to maintain Ministers of a contrary persuation to themselves, they having already an assurance by that Act for Religion that they have all freedom in point of Religion and Divine Worship and noe penalties or payments imposed upon them in that particular. That in Carolina, New Jersey and Roade Island, the inhabitants for the peopling of those places have had and still have the same toleration that those in Maryland have.”¹

¹Archives of Maryland, Council II., 133-4.

The final action of the Committee is somewhat more fully stated in the following extract from the letter which they wrote to Baltimore: "Wee are likewise informed of another particular from whenever Wee have reason to beleeeve, that this disorderly & wicked kind of living of the Inhabitants proceeds in a great measure; w^{ch} is that there is no custom establisht allowance for the Ministers of the Gospell whereby able, Sober & Learned men might be invited to go over to instruct them, & especially in the Protestant Religion according to the Church of England, w^{ch} is the cause that there is a great want of able Ministers there. As Wee know how fit & necessary it is to have that want supplied, as Wee likewise think it very convenient that it should be done without Imposing any burden upon the Inhabitants other than that they are willing freely to Settle for the Support of their Ministers. In order whereunto Wee desire that your Lo^p will write to the Governour and Councill of Maryland, to send over an acco^t hither wth as much speed as may bee; How many Ministers of the Protestant Religion according to the Church of England are now wthin the s^d Plantacōn & what Settlements and allowances they respectively have; And to the end they may be Supplied wth Ministers where they are wanted Wee desire yo^r Lo^p to direct the s^d Govern^r & Councill to take an acco^t of all the Protestant Families there & the value of their respective plantacōns, & then considering their Situations in respect of distance one from the other to see how many Congregations they may make up, that so they may be accordingly Supplied wth Ministers, And this being done Wee desire your Lo^p to give direction to the s^d Govern^r & Councill to enquire what each respective Congregation will be freely willing to Settle for the Maintenance of an able Minister, And when the s^d persons shall have agreed upon such Certain allowances as afores^d, that then upon the desire of the s^d persons s^d Govern^r & Councill doe endeavour to have the same Enacted into a Law as is practised in other his Ma^{ty} plantacōns. And of this whole matter wee desire to

have an account wth as much speed as conveniently may be.”¹

In compliance with the requests contained both in this letter and in a sort of circular letter previously sent him,² Baltimore replied³ on March 26, 1678, that there were no parishes in Maryland, that it was impossible to say precisely what were the relative proportions of the religious sects, and that if he should order an investigation it would disturb the peace of the province, which regarded religious freedom as one of its most cherished rights.

2. The formal result of the whole movement is contained in the action of the Committee for Trade and Plantations, who seem, from the extracts above quoted, to have recommended a limited establishment of the Church of England, including only those colonists who were members of that church and supported by them alone. This support was to be assumed voluntarily ; but, once assumed, the government was to see to it that it became incorporated into the law of the colony.

Precisely what force this action had it is difficult to say. Its language is that rather of recommendation than of command, and such Baltimore seems to have considered it, for no steps were taken towards the introduction of any system of establishment.

So far, then, as concerns tangible results, this attempt was a failure. But it was not the first or the last of its kind. It was part of an historical movement, whose growth it shows, and formed a precedent for a later attempt which succeeded.

3. The events and documents of this period furnish some slight but interesting information as to the actual extent of toleration in the colony.

Baltimore's two letters above quoted state that no church is supported by the government, but all depend on voluntary

¹Archives of Maryland, Council II., 253.

²Archives of Maryland, II., 129-30.

³Archives of Maryland, Council II., 264-9.

contributions (a statement which is confirmed by Yeo's letter), and that the right to religious freedom is jealously guarded by the inhabitants, who consist of Presbyterians, Independents, Anabaptists, Quakers, Members of the Church of England, and Roman Catholics, the last two classes being the smallest in numbers. While taking a firm stand against establishment in any form, Baltimore seems to have welcomed and in other respects to have assisted the clergymen of the Church of England. In 1681 Ambrose Sanderson was recommended ¹ to him by the Council as a suitable person to give instruction to the Protestants in the colony. Upon a similar endorsement by the Bishop of London, in 1685 he recommended ² Paul Bertrand to the government in Maryland. In 1685 he similarly recommended ³ Mr. Willymot.

In connection with these facts should be noted the following assertion of partiality to Roman Catholics: "Letter from the Councill to the Lord Baltimore about partiality to Papists in Maryland.

12th October 1681

After Our hearty Commendacōn to your Lordship, Information having been given unto Us, That there are very few of his Ma^{ties} Protestant Subjects admitted to be of the Councill of the Colony of Maryland, and that there is partiality and favour shewed on all occasions towards those of the Popish Religion to the discouragement of his Maj^{ties} Protestant Subjects which We hope may proceed from misrepresentacōn yett Wee cannot but take notice thereof unto your Lordship praying and requiring you to cause the same if true to be speedily redressed, and that in the distribution of the Armes and Ammunition (which at the request of your agent Nicholas Lowe Merchant, Wee have permitted to be transported for the Defence of that place) your Lordship do express your trust and confidence in His Maj^{ties} Protestant Subjects by

¹Archives of Maryland, Council II., 300.

²Archives of Maryland, Council II., 461.

³Archives of Maryland, Council II., 466-7.

putting the said Armes into their hands. And so being confident of your readiness to answer our expectation in these particulars Wee bid your Lordship heartily farewell &c.

“Signed,” etc.¹

An investigation revealed the falsity of the charge in respect to the distribution of offices and arms. The facts are still preserved² and leave no room for doubt. The general charge of discrimination against Protestants is at least rendered improbable by the declaration drawn up by Baltimore³ and signed by a number of the prominent colonists who were members of the Church of England. This declaration, after mentioning the charge of partiality, says :

“We, therefore the subscribers professing the Gospell of Jesus Christ according to the Litturgy of the Church of England and Protestants against the Doctrine and Practice of the Church of rome, Subjects also to his Majestie the King of Great Brittain &c., and residents as aforesaid, esteeming ourselves (as indeed we are) everyone therein particularly & nearly concerned, hold ourselves in conscience and duty obliged by this our impartial, true and sincere remonstrance or Declaration to unfold the naked truth and to undeceive the minds of those before whose eyes the mist may have been against cast, and to purge his Lordship & this Government, whereof we are, from all those false, scandalous and malicious aspertions, which the venemous blasts of such inveterate, malignant, turbulent spirits have cast thereon. And therefore in the first place, we doe hereby unanimously acknowledge & publish to the world the general freedom⁴ & priviledge which we and all persons whatsoever Inhabitants of this Province, of what condicion soever, doe enjoy in our lives, liberties and estates under this His Lordship’s Government according to the grand priviledges of Magna Charta, as effectually and in as full & ample manner to all intents and

¹Archives of Maryland, Council II., 300-1.

²Archives of Maryland, Council II., 309-10.

³Archives of Maryland, Assembly III., 314.

purposes, as any of his Majesties Subjects within any part of His Majesties dominions whatsoever with the free & public exercise & enjoyment of our religion whatsoever it be, whether Protestant or other professing the name of Jesus, according to an Act of Assembly of this Province in that case made out & provided, and to which we and the whole Province in general either by ourselves or our representatives in a Generall Assembly have given our assent. We doe also declare and make known that besides our owne experience we have observed his Lordshipp's favours impartially distributed, and Places of Honor, trust and profit conferred on the most qualified for that purpose and service, without any respect or regard had to the religion of the participants, of which generally and for the most part it hath so happened that the Protestants have been the greatest number," etc.¹

On the whole, it seems probable that these charges originated, as Baltimore claimed,² in the really mild measures which had been adopted to put down the rebellion of Fendall and Coode. Our conclusion with regard to this period may be summarized as follows: Puritan control left no permanent constitutional results. Under it the toleration previously established was so restricted as to exclude Roman Catholics. When the government ceased to be exclusively in Puritan hands the old policy was restored. Under it Jews had no religious rights and lived in peace only so long as their belief was overlooked, and Quakers were punished for resisting the civil government by refusing to take oaths and bear arms. The status of the Jew remained practically the same, but that of the Quaker gradually improved until in 1702 he was entirely relieved from all oaths. The attempt to establish the Church of England in 1676 failed, but gave another precedent for the movement which later succeeded. From the Puritan revolution of 1654 to the Protestant revolution of 1689 religious toleration was the policy of the

¹Archives of Maryland, Council II., 353-4.

²Archives of Maryland, Council II., 312.

government and seems in the main to have been impartially administered.

IV.—THE PROTESTANT REVOLUTION OF 1689 AND THE ESTABLISHMENT OF THE CHURCH OF ENGLAND.

To discuss the political history of this revolution is not our task. No attempt will be made to determine how largely it was an echo of contemporary events in England and how largely it was an independent movement arising from local causes. From our standpoint it is interesting for two reasons only: first, because during its course charges were brought of intolerance on the part of the Maryland government; second, because it led to the establishment of the Church of England. But even the first of these two points cannot here be discussed in detail. The records contain many charges of intolerance on the part of Catholics and Protestants, and also many denials; and to both are attached long lists of attestors' names. But these statements are so colored by passion that no positive conclusion can be drawn from them. Careful investigation of their truth would, in the present incomplete state of the records, necessitate too lengthy a balancing of evidence and would yield too indefinite a result to be attempted here. So far as these charges touch earlier periods, the facts have already been stated. So far as they concern the time of the revolution, they are for that very reason comparatively unimportant, for the administration of a policy during its own death struggle is not of scientific importance.

With regard to the second point mentioned, namely, the establishment of the Church of England, not much *needs* to be said. The revolution put the government exclusively in the hands of the Protestants. At their request the Crown took charge of the province and sent out a royal governor, who upon his arrival summoned an Assembly. The second act¹ passed by this Assembly established the Church of England in

¹ See Manuscript Records, Liber L. L. No. I., p. 2 sq.

the province. It was passed June 2, 1692. By it there was "provision made for dividing all the counties into parishes, and the election of vestrymen for each, for the conservation of the church interests; and a poll tax of forty pounds of tobacco imposed upon every taxable of the province, to build churches and sustain their ministers. Thus was introduced, for the first time in Maryland, a church establishment, sustained by law and fed by general taxation."¹

With this event our task ends. We have examined the relation of Church and State from the founding of the colony to 1692, and have found that religious freedom arose not from the charter but from the policy of the Proprietary, Cecilius Calvert, and from the coöperation of the colonial government and of the colonists themselves; that it culminated in the act of 1649, which granted, not absolute, but large toleration; that this policy was restricted during the period of Puritan control, but was afterwards restored, and, in the main, administered with impartiality; that several attempts were made to introduce an establishment, but they all failed until 1692; that in that year there was introduced by act of Assembly "a church establishment sustained by law and fed by general taxation." To trace the development of that establishment must be a separate undertaking.

¹ McMahon's *Maryland*, I., 243.

V-VI

The Religious Development in the
Province of North Carolina.

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
HERBERT B. ADAMS, Editor

History is past Politics and Politics present History.—*Freeman*

TENTH SERIES

V-VI

The Religious Development in the
Province of North Carolina.

BY STEPHEN BEAUREGARD WEEKS, PH. D.

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BALTIMORE
THE JOHNS HOPKINS PRESS
PUBLISHED MONTHLY
May-June, 1892

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THE FRIEDENWALD CO., PRINTERS,
BALTIMORE.

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THE RELIGIOUS DEVELOPMENT IN THE PROVINCE OF NORTH CAROLINA.

CHAPTER I.

INTRODUCTION.

The purpose of this paper is two-fold. In the first place the writer seeks to show that the earliest settlers in North Carolina were not religious refugees ; that they came to the province not from religious but mainly from economic motives. In the second place he will trace the progress of the struggle for an Establishment, and will show that, beginning with 1701, the Episcopal Church was for three-quarters of a century the legal church in North Carolina ; that, while there was *toleration* for Dissenters, under the rule of this Establishment, there was not, and from necessity could not be, freedom of conscience and soul-liberty in the absolute sense of those terms ; that religious freedom, like political freedom, was a growth, and was won only by long and continued struggles.

The writer came to his subject with the belief that the colony had been settled by religious refugees and that there had been absolute freedom of religion. The irresistible logic of facts drove him to his present position. He now believes that the glowing pictures of Mr. Bancroft are overdrawn, and that the self-laudations of native historians in regard to the early religious history of the State are without solid foundation. There was an Established Church ; there was positive persecution ; there was not religious freedom, and we must acknowledge the facts. The writer believes that, in the light

of the documents which have been brought to bear on his subject, his position must be accepted as substantially correct, and that this portion of American history and this chapter in the history of the development of religious freedom must be rewritten.

Religion in all its phases has received but scant attention from most writers on the early history of North Carolina. Following the lead of their predecessors, they assume that in the beginning the colony was settled by religious refugees, that there was always the fullest religious liberty, and that these men and women who are supposed to have fled before the persecuting spirit of other colonies, in the course of a few years lapsed into what Dr. Hawks calls one of the most irreligious communities on the face of the earth. These beliefs and theories are contradictory in themselves. If religious refugees, then how the fullest religious liberty under an Established Church? If refugees, then how could they lapse in the course of a few years into a state but one degree better than barbarism? If the fullest religious liberty and the greatest contentment with the Established Church, then why are the Quakers always the objects of the jealous suspicions and bitter abuse constantly heaped on them by the party of the Church? These are questions which naturally present themselves when the older views are advanced as to the original religious feelings of the colonists. The truth of the matter is that students who have approached the study of our early history have found themselves oppressed by an inability to get at the necessary materials. They have undertaken the task with insufficient resources at their command, and the result has been that their pictures are far from accurate. A careful and scientific study of our history has become possible only within the last few years. With the publication of the Colonial Records of North Carolina, begun in 1886 and finished in 1890, a new storehouse of hitherto unexploited materials has been opened, and it is now possible to get nearer the true state of affairs in the early colony than it has ever been before.

In his first thesis the author will attack a tradition which has become almost sacred to every patriotic citizen of North Carolina. This tradition is that the first settlers of North Carolina were religious refugees, most of them Quakers, fleeing from the persecutions, injuries and insults of the Episcopal Establishment in Virginia and from the bigotry and narrowness of Puritanical New England.

Historians have delighted to represent the province as a home for the weary and oppressed of every sect and nation, as a common refuge for the lovers of soul-liberty the world over. Mr. Bancroft, in his excellent and generally accurate account of the first settlement in North Carolina, closes an eloquent passage by saying that Albemarle, "the child of ecclesiastical oppression, was swathed in independence."¹ Hugh Williamson, whose History of North Carolina was published in 1812, and who has the honor of being the first to undertake such a task after the State became independent, says that the first settlers of the Albemarle colony "were chiefly refugees from ecclesiastical oppression."² Martin fol-

¹ History of U. S., Vol. II., 136, original edition. In his later editions Mr. Bancroft has modified his statements to a considerable extent.

² History of North Carolina, I., 92, note. This is the earliest statement of the claim which I have seen. After quoting extracts from the Virginia laws of 1662 against the Quakers (pp. 81-83), Williamson reasons out their flight to North Carolina after the following fashion: "Many of the most industrious subjects were constrained to leave the colony. They fled to the wilderness, at the distance of eighty or ninety miles from the operation of those laws. Hence it followed, that the first settlers near Pasquetank and Perquimans were chiefly emigrants from Virginia and dissenters from the Established Church of England; many of them were Quakers." He never deigns to give authorities. Chalmers, with all the blunders of the *Political Annals*, does not give countenance to this. He says the Albemarle colony "being equally destitute of religion and clergy" was "not disturbed like the early colonists of the North with religious controversy." Again, he writes: "Perfect freedom in religion was offered to the people who seem hitherto to have been but little attached to any." Of the law of 1669, providing for civil marriages, he says: "From this remarkable law we may judge of the then state of religion and of morals." It seems clear that this error got its start from Williamson.

lows him in point of time and says, with reference to the year 1660, "The legislature of Virginia having passed laws unfavorable to the Quakers, a number of whom had fled thither from the persecuting spirit of New England, many families sought an asylum on Albemarle Sound."¹ John H. Wheeler, the next historian of the State, reëchoes this old belief. He says that North Carolina previous to 1653 had been "the refuge of Quakers, and others fleeing from religious persecutions."² Dr. Hawks, who is by far the most scholarly of our State historians, forgetting for the time his church in his Christianity, says, "The Quakers were no small part of the infant colony: they had fled purposely to escape the tender mercies of the Episcopal establishment in Virginia, and the Puritan model in Massachusetts."³ The persecutions endured by the Quakers "sent them into the wilderness of North Carolina, and this persecution began in New England." He characterizes this treatment by saying that whether it came from Prelatist or Puritan it was not taught by Christ and was really and truly "damnable wickedness."⁴ The latest historian of the State is John W. Moore, whose work was published in 1880. He follows the lead of his predecessors, and in speaking of the persecution of Baptists and Quakers in Virginia says, "North Carolina was then beyond the jurisdiction of the petty tyrant who ruled at Williamsburg. The tender mercies of the Tuscarora seemed preferable to the whippings and brandings practiced in Virginia to prevent nonconformity to the Established Church."⁵

Up to the present time such have been the opinions of the historians in regard to the prime motives in the foundation of the colony of Albemarle from which has grown the State of North Carolina. As far as the writer knows, not until the last decade has this position been attacked. In March, 1886, Rev. Joseph Blount Cheshire, Jr., D. D., now of Charlotte, North Carolina, published in the *Church Messenger*

¹ History of North Carolina, I., 119, 1829.

² *Ibid.*, I., 29, 1851.

³ *Ibid.*, II., 443, 1858. ⁴ *Ibid.*, II., 361, 362. ⁵ *Ibid.*, I., 14, Raleigh, 1880.

an article in which he took issue with Bancroft, Hawks and others as to the central motive in the settlement. During the same year Col. Saunders, in his prefatory notes to the first volume of Colonial Records, says, "It is perhaps a very flattering unctio that we lay to our souls in supposing our State was settled by men seeking religious freedom, but unhappily there seems to be no solid foundation for the belief."¹ The author of this monograph will undertake to show that the original settlement of North Carolina was due not to religious but mainly to economic reasons.

The second thesis of the author is that religious freedom in North Carolina was a development, just as it was in other States of the American Union. There was an Established Church in North Carolina; all citizens were required to pay to the support of this Church; it lasted until swept away by the Revolution, and was considered by many of the inhabitants, as Governor Tryon confesses, even more oppressive than the Stamp Act. The existence of an Establishment has never been given by the historians of the State the prominence which it demands. It is the purpose of this paper to trace the progress of the struggle for the Establishment and to show its relations to other phases of our history. With some of the writers there seems to be a tendency to confuse *toleration* and *liberty of conscience*, and we will find great emphasis laid on the assumed fact of thorough freedom of conscience and of perfect soul-liberty. It is true that there were few persecutions in North Carolina for the sake of religious belief; but for this we have to thank the strength and vigorous policy of the Dissenters rather than any feeling of love and brotherhood among the party of the Established Church. It is usually said that the time has never been when a citizen of North Carolina was not free to worship God after the dictates of his own conscience; but the writer believes that when a Dissenter is forced to pay tithes to support ministers other than his own and when dissent

¹ Colonial Records of North Carolina, I., Prefatory Notes, xxi.

carries with it disfranchisement and consequently disgrace, when the Dissenter is shut out from all offices of honor, trust and profit, that there cannot be "freedom of conscience" and "soul-liberty" in the absolute sense.

CHAPTER II.

THE STATUS OF RELIGION UNDER THE GRANTS TO THE LORDS PROPRIETORS.

That portion of the American Continent lying between 31 and 36 degrees, north latitude, was granted on March 24, 1663, by Charles II. to eight of his favorites, who were among the most wealthy and influential lords of the kingdom. June 30, 1665, after this vast territory had been somewhat explored and the Proprietors had learned something of the position and limits of their new possessions, they secured from the king a further extension of their charter to $36^{\circ} 30'$ on the north, which has ever since remained as the northern boundary of North Carolina, and on the south to 29° . The grant extended westward to the South Sea. The men honored by this magnificent donation were Edward Hyde, Earl of Clarendon; George Monk, Duke of Albemarle; William, Lord Craven; John, Lord Berkeley; Anthony Ashley Cooper, Earl of Shaftesbury; Sir George Carteret, Governor of Jersey; Sir John Colleton; and Sir William Berkeley, Governor of Virginia, the Jeffreys of Bacon's "rebellion," and the executioner of the first Governor of North Carolina.

Both the charters of Charles II. proceed on the assumption that the Church of England was to be the Established Church in the new colony. Toleration of Dissenters was provided for; but it was not the original purpose of the Proprietors of Carolina to found a colony with absolute religious freedom, although the instructions given to their representatives in America would often lead us to that conclusion. Thus we find Sir John Colleton writing to the Duke of Albemarle under the date of June 10, 1663, that the persons designing to settle in North Carolina "expect liberty of conscience and without that will not go, which by the patent of Sir Robert

Heath cannot be granted them.”¹ Again, on August 25, 1663, the Proprietors say in their proposals concerning settlements on the Cape Fear, that they “will grant, in as ample manner as the undertakers shall desire, freedom and liberty of conscience in all religious or spiritual things, and to be kept inviolably with them, we having power in our charter so to do.”² Furthermore, the Proprietors, writing to Sir William Berkeley, September 8, 1663, in regard to the appointment of a governor for Albemarle, assign as their reasons for giving him power to appoint two governors instead of one in the territory, that “some persons that are for liberty

¹Col. Rec., I., 34. Colleton must here refer to the passage in the charter of Heath where the king grants him “the patronages and advowsons of all churches which shall happen to be built hereafter in the said region . . . to have, exercise, use and enjoy in like manner as any Bishop of Durham within the Bishopricke or county palatine of Durham.” (Col. Rec., I., 6, 7.)

²Col. Rec., I., 45. The first charter of Charles II. reenacts the clause of Heath’s charter which relates to patronages and advowsons. It gives the Proprietors the power also “to build and found churches, chapels and oratories . . . and to cause them to be consecrated according to the ecclesiastical laws of our kingdom of England.” (Col. Rec., I., 22.) Section 18 provides for religious toleration “Because it may happen that some of the people and inhabitants of the said province, cannot in their private opinions, conform to the public exercise of religion, according to the liturgy, form and ceremonies of the church of England, or take and subscribe the oaths and articles, made and established in that behalf, and for that the same, by reason of the remote distances of these places, will, we hope be no breach of the unity and uniformity established in this nation, our will and our pleasure is and we do . . . give and grant unto the said Edward, Earl of Clarendon, etc. . . . full and free license, liberty and authority, . . . to give and grant unto such person or persons . . . who really in their judgments, and for conscience sake, cannot or shall not conform to the said liturgy and ceremonies, and take and subscribe the oaths and articles aforesaid, or any of them, such indulgences and dispensations in that behalf, for and during such time and times, and with such limitations and restrictions as they . . . shall in their discretion think fit and reasonable; and with this express proviso, and limitation also, that such person and persons . . . shall . . . be subject and obedient to all other the laws, ordinances, and constitutions of the said province, in all matters whatsoever as well ecclesiastical as civil.” (Col. Rec., I., 32, 33.)

of conscience may desire a governor of their own proposing.”¹ This power was not exercised, but Dr. Hawks and Mr. Bancroft, arguing from this fact, from the fact that William Drummond, the first Governor, happened to be a Scotchman, and from the erroneous belief that the colony was settled largely by religious refugees, have assumed that Drummond was a Presbyterian and that he was appointed because of his dissenting views; but it is hard to believe that the bigotry of Sir William Berkeley and the zeal always manifested by the Proprietors for the Church of England would have allowed them at any time to appoint a Dissenter to the governorship because he was a Dissenter.²

The terms offered in 1665 to Sir John Yeamans and others, who were making a settlement on the Cape Fear, bore on their face the evidence of remarkable liberality. It was provided that “no person . . . shall be any ways molested, punished, disquieted or called in question for any differences in opinion or practice in matters of religious concernment . . . but that all and every such person and persons may from time to time and at all times freely and fully have and enjoy his and their judgments and consciences in matters of religion throughout all the said province.”³ But this freedom is limited by the next clause, which gives the Assembly “power by act to constitute and appoint such and so many ministers or preachers as they shall think fit, and to establish their maintenance, giving liberty besides to any person or persons to keep and maintain what preachers or ministers they please.”⁴ Later in the same year we find that Yeamans, then governor of the Clarendon colony on Cape Fear, is instructed to do all he can to keep those in the “king’s dominions that either cannot or will not submit to the

¹Col. Rec., I., 54.

²The religious faith of Drummond has been discussed by the present writer in a separate paper on “William Drummond, First Governor of North Carolina, 1664-1667,” in *The National Magazine*, April, 1892.

³Col. Rec., I., 80, 81.

⁴*Ibid.*, I., 81.

government of the Church of England.”¹ In 1667 the Proprietors direct Gov. Stephens to see to it that no persons shall be in “any way molested, punished, disquieted or called in question for any differences in opinion or practice in matter of religious concernment who do not actually disturb the civil peace of the said province or county, but that all and every such person and persons may from time to time and at all times freely and fully have and enjoy their judgments and consciences in matter of religion.”²

In the same way Locke made provisions in his Fundamental Constitutions for the toleration of Dissenters, “that civil peace may be obtained amidst diversity of opinion.” He provided that any seven persons agreeing in any religion should be constituted a “church or profession, to which they shall give some name, to distinguish it from others.”³ Three articles of belief were necessary to constitute any body of persons a church: (1) that there is a God; (2) that God is to be publicly worshipped; (3) that it is lawful and the duty of every man to bear witness to the truth when called on by the proper authority, and “that every church or profession shall in their terms of communion set down the eternal way whereby they witness a truth as in the presence of God.”⁴ No man was permitted to be a freeman in Carolina or to have any estate or habitation in it that did not acknowledge a God and that He was to be publicly worshipped.⁵ No person above seventeen years of age could have any benefit or protection of law nor hold any place of profit or honor who was not a member of some church or profession.⁶ No person of one faith was to disturb or molest the religious assemblies of others,⁷ nor use reproachful, reviling or abusive language against any church or profession,⁸ nor persecute them for speculative opinions in religion or their ways of worship,⁹ and every freeman in

¹ Col. Rec., I., 94.

² *Ibid.*, I., 166.

³ Fundamental Constitutions, sec. 97. In Col. Rec., I., pp. 187-207.

⁴ Fundamental Constitutions, sec. 100.

⁵ *Ibid.*, sec. 95.

⁶ *Ibid.*, sec. 101.

⁷ *Ibid.*, sec. 102.

⁸ *Ibid.*, sec. 106.

⁹ *Ibid.*, sec. 109.

Carolina was to have absolute power and authority over his slaves of what opinion or religion soever.¹

These provisions, while bearing hard on those who had no distinct religious preference, seem liberal enough for those who were earnest and sincere in their religious belief; but such was not the case. In section 96 the doctrine was enunciated that as the country came to be "sufficiently planted and distributed into fit divisions," it should be the duty of "parliament to take care for the building of churches and the public maintenance of divines, to be employed in the exercise of religion according to the Church of England; which being the only true and orthodox, and the national religion of all the king's dominions, is so also of Carolina, and therefore it alone shall be allowed to receive public maintenance by grant of parliament."²

These quotations from original sources show clearly enough the animus of the Proprietors in matters religious. They were anxious to have Dissenters settle in and develop their province, but they could never bring themselves to grant these settlers absolute freedom of religion unencumbered by any special rights and privileges to the Church of England, either expressed or implied. They make the fairest and most blandishing promises to would-be settlers. They emphasize what they call "full and free liberty of conscience."³ But we see that this meant only toleration at best, and toleration is spoken of as something outside of the regular course of action; as if it were a privilege to be granted or withheld just as the interests of the Proprietors should dictate. They had the wonderful faculty of creating within the same state an

¹ Fundamental Constitutions, sec. 110.

² As is well known, Locke was assisted in his work on the Fundamental Constitutions by Shaftesbury, who speaks of "a good and virtuous life, with a hearty endeavor of service to one's country and to mankind, joined with a religious performance of all sacred duties and a conformity with the established rites" as "enough to answer the highest character of Religion." Martin states, *History of North Carolina*, I., appendix cix., that this section was inserted against the judgment of Locke.

³ Col. Rec., I., 154, 156.

established church and "full and free liberty of conscience." It was a generation before the true amount of this "liberty" began to be seen, and then the hollowness of all their professions was painfully manifest. That the Proprietors never intended to divorce the Church and State is indicated by their frequent grants to Assemblies "to constitute and appoint such and so many ministers or preachers as they shall think fit,"¹ by their grants to "each parish" of church sites and a hundred acres of land for the use of the minister,² and by the direct and elaborate provision in the Fundamental Constitutions of Locke; so that in 1670, less than a score of years after the first settlements were made in the Albemarle country, the colony was dominated by an Established Church, with a tax upon Dissenters for its support, a religious test for residence, and church membership demanded before even the protection of the laws could be claimed.

The question now arises, had Dissenters in England demanded absolute freedom of religion, even to the abolishing of all tithes, as early as the seventeenth century, or was this position one of later growth? This idea was not new. In the sixteenth century the doctrine had been promulgated by the Separatists or Brownists, who "rejected the notion of a National Church, . . . and insisted on the right of each congregation to perfect independence of faith and worship."³

During the reign of Elizabeth they had begun to withdraw from "attendance at public worship on the ground that the very existence of a National Church was contrary to the word of God."⁴ They grew rapidly in numbers; were persecuted alike by the bishops and the Presbyterians, and under the leadership of John Robinson fled to Holland, where they developed in freedom their system of independent congregations, each forming a complete church in itself. To these

¹ Col. Rec., I., 167.

² *Ibid.*, I., 92.

³ Green's Short History of English People, Chap. 8, sec. 8.

⁴ *Ibid.*, Chap. 8, sec. 1. Cf. also Mr. Paul E. Lauer's paper in the present series, Chap. 1.

Separatists the name Independents is at a later period attached.

The coming of the Pilgrims to America lessened for the time the prominence of their principles, but they reappear as national questions in the years between the end of the Civil War and the death of the King. "Then for the first time," remarks Green, "began the struggle between political tradition and political progress, between the principle of religious conformity and the principle of religious freedom." In 1646 we find as many as sixteen sects which, although differing among themselves, were all agreed in "repudiating any right of control in faith or worship by the church or its clergy."

The same idea was present in the demands of the New Model of Cromwell, when in June, 1647, they took an oath not to disband until liberty of conscience was secured; and according to their "humble petition," presented to the King in the same month, belief and worship should be free to all. Cromwell was always the true friend of the cause of religious liberty; he became the head of the Independents, and under his rule in 1653 we find a proposal made in Parliament to substitute the free contributions of congregations for the payment of tithes.¹

In 1633 Roger Williams had opposed the Puritan model of union between Church and State which then obtained in Massachusetts; he was also opposed to all contributions for religious purposes which were not purely voluntary. The whole history of the Quakers, who date from 1644, is one continued protest against the union of Church and State and the payment of tithes.

Absolute separation of Church and State and the abolition of all tithes were not unheard-of demands, then, when the Proprietors provide for an Established Church in Carolina in 1663 and 1669, and when they undertake to make it a reality in 1701 and 1704.

¹ Green, Chap. 8, sec. 10.

CHAPTER III.

THE FIRST SETTLERS NOT RELIGIOUS REFUGEES.

As we have seen, the claim has been commonly set up that North Carolina was a home for all who were persecuted for conscience sake. This claim has been made in the face of the charters of the King and instructions of the Proprietors. From the excerpts which have been presented it is evident that had religious refugees come to North Carolina after the grant to the Proprietors they could not have found that absolute freedom of religion for which they sought and without which they could not be content; that the germ of an Establishment is to be found in the charters and in the instructions sent their agents by the Proprietors; and that this germ was developed under the Fundamental Constitutions. That no Dissenter could have found religious freedom in North Carolina after 1663 is thus shown from internal evidence; that few came to North Carolina at that time to seek it will be shown by three kinds of external evidence, from the Dissenters themselves, from the Church party, from contemporary and later writers.

The earliest settlers of North Carolina came from Virginia, but the time and method of their coming are shrouded in uncertainty. We find that in 1653 the legislature of Virginia, in response to a petition from Roger Green, "clarke," "on behalf of himself and inhabitants of Nansemond River," made to him a personal grant of 1000 acres and a communal grant of 10,000 acres for a colony of a hundred persons who were to go from Virginia and settle in the present county of Bertie in North Carolina. This is usually pointed to as the first of these southward migrations for conscience sake; but Green is styled "clarke," that is, minister, by the Virginia statute. This term was applied in

the laws only to clergymen of the Established Church, and his title disproves then, at once, all claims that in removing to Carolina Green was seeking greater liberty. We are not quite sure that this proposed movement was ever carried into effect,¹ but that colonists soon began to come down into the Albemarle section of North Carolina and that a number of families were settled there before 1660 is quite certain.

In March, 1662, Kilcacenen, King of the Yeopim Indians, sold a tract of land to George Durant in the section still known as Durant's Neck; this tract lay beside another tract which the king had "formerly sold to Samuel Pricklove."² The next year George Catchmany came forward with a claim for the whole section which he held under a prior grant from the Governor of Virginia.³ There were also other direct purchases from the Indians, for as early as 1662 these had become such an evil that the government of Virginia was resolved to tolerate them no longer. Other persons besides Catchmany held grants also from the Governor of Virginia, and in section four of the first charter of Charles II. to the Proprietors we find a saving clause inserted evidently for their relief: "and saving also the right, title and interest of all and every our subjects of the English nation, which are now planted within the limits and bounds aforesaid (if any be)."

As to the religious inclinations of these earliest colonists nothing is known absolutely. All the indirect testimony tends to establish the belief that they had been reared within the pale of the English Church and sympathized with it as far as they had any religious preference; but as there was no Christian ministry among them, this sympathy and preference gradually waned. The Proprietors had made full provisions for the payment of quit-rents; they had established a church theoretically; they had failed utterly in all practical provi-

¹ Colonial Records, I., Prefatory Notes, xxi.

² *Ibid.*, I., 19.

³ *Ibid.*, I., 20.

sions for the souls of men, for the act passed October 15, 1669,¹ to provide for civil marriages, recites "that there is no minister as yet in this county" [country], and we may presume that had even a Dissenter been then living in North Carolina, he might have been allowed to perform the ceremony of marriage as a *dernier ressort*.

The first minister of Christ to preach in North Carolina was William Edmundson, a Quaker, and a native of Westmoreland, England. He was a man of rude eloquence, of earnest piety and shrewd common sense. He showed unusual self-denial, and was charitable to a fault. In a study of the religious history of North Carolina he deserves more than a passing mention, for it is on his foundation that we have been building for two hundred years. Edmundson was born in 1627, and was apprenticed to a carpenter in York. As soon as his apprenticeship was over he joined the Parliamentary army and accompanied Cromwell to Scotland in 1650. He took part the next year in the battle of Worcester and the siege of the Isle of Man. In 1652 he was engaged in recruiting for the Scotch army. A little later he married and settled in Antrim, Ireland, and opened a shop there. During a visit to England in 1653 he again met with the Quakers and embraced their creed. He began to preach and suffered numerous persecutions and imprisonments. From 1661 he was recognized as the leader of the Quakers in Ireland, and his house became practically the headquarters of the Society. In 1665 he was excommunicated for not paying tithes, and suffered more persecutions. He visited America in 1671, and North Carolina in the spring of 1672.² He has preserved an account of this visit in his journal, and this account, both by direct and indirect testimony, shows most clearly that the author did not come into a Quaker settlement, and his

¹ Col. Rec., I., 184.

² Edmundson's visit to North Carolina is mentioned in his journal under the years 1671-72, no exact date being given. Janney, in his History of the Friends (II., 252, 1867), says that Fox and Edmundson were in Maryland in April, 1672, and thence Edmundson journeyed toward the south.

success in making converts is in itself an indisputable proof that he was not going among religious refugees of other creeds. Edmundson on his visit to North Carolina encountered many natural obstacles, and tells most graphically of a night spent in the primitive forest. "It being dark, and the woods thick, I walked all night between two trees; and though very weary, I durst not lie down on the ground, for my clothes were wet to my skin. I had eaten little or nothing that day, neither had I anything to refresh me but the Lord."¹ In the morning he and his two companions reached the house of Henry Phillips, situate on "Albemarle" (Perquimans) river, where the town of Hertford now stands.² Phillips "and his wife had been convinced of the truth in New England, and came here to live; and not having seen a Friend for seven years before, they wept for joy to see us."³ Edmundson and his companions reached the house of Phillips on Sunday morning and desired him to appoint a meeting for about noon of the same day. Many people attended the services, "but they had little or no religion, for they came and sat down in the meeting smoking their pipes." But the power of God was there; some of their hearts were softened and they "received the testimony." One Tems [Toms], a justice of the peace, and his wife were among the converts. They desired the preacher to hold a meeting at their house, which was about three miles off and "on the other side of the water." A meeting was held there the next day, and with success, "for several were tendered with a sense of the power of God, received the truth and abode in it." Edmundson left North Carolina on Tuesday of the same week and returned to Virginia.

¹ Edmundson, Journal, 67 (edition 1774). The passages relating to North Carolina are reprinted in the Col. Rec., I., 215 *et seq.*

² Moore, History of North Carolina, I., 20.

³ The belief of Martin in the refugee theory is so strong that he changes this statement of Edmundson into "not having seen any leader of this society." He also inaccurately gives the name of the Quaker as Phelps instead of Phillips (I., 155).

George Fox was the second missionary to visit North Carolina. He entered the colony with three companions, Robert Widders, James Lancaster and George Pattison, on November 21, 1672, *via* Somerton, Virginia, and went by canoe down Bennett's creek, called by him Bonner's creek, into the Chowan river, to the house of Hugh Smith, "where people of other professions came to see us (no Friends inhabiting that part of the country)." This house was probably situate in the western part of the present county of Chowan, and from it Fox and his companions passed by water to the house of the Governor, which seems to have been where the town of Edenton now is. The Governor and his wife received them "lovingly," but they found a skeptic in the person of a certain doctor who "would needs dispute with us," declaring that the light and the Spirit of God were not in the Indians, and who "ran out so far that at length he would not own the Scriptures." From here they visited Perquimans and Pasquotank. At the house of Joseph Scott, a representative of the county, they had "a sound precious meeting; the people were tender, and much desired after meetings." About four miles further on they had another meeting, to which came the chief secretary of the province, who "had been formerly convinced," due no doubt to the preaching of Edmundson. "Having visited the north part of Carolina, and made a little entrance for the truth among the people there, we began to return again towards Virginia, having several meetings in our way, wherein we had good service for the Lord, the people being generally tender and open. . . In our return we had a very precious meeting at Hugh Smith's . . . the people were very tender, and very good service we had amongst them. . . . The ninth of the tenth month we got back to Bonner's creek. . . having spent about eighteen days in north of Carolina."¹

¹ Fox, Journal, 458, 459. Parts relating to North Carolina reprinted in Colonial Records, I., 216-218. Dr. Hawks, who wrongly interprets the "ninth month" of the Quaker to mean September, has blended the separate visits of Fox and Edmundson into one and says that they descended the Roanoke river instead of the Chowan. It is evident that he had never

Edmundson made a second visit to North Carolina in 1676. He seems to have gone over nearly the same route as in 1672, but the difference in the forms of expression in his journal is significant. It is no longer the preacher who appoints the meetings, but we find that "they," the members, say when and where they should be held, indicating that the Society of Friends was now on a sure footing in North Carolina, and not unorganized and non-existent as it had been in 1672. Edmundson held a meeting at the home of his old friend Toms, and says in concluding: "I had several precious meetings in that colony, and several turned to the Lord. People were tender and loving, and there was no room for the priests, for Friends were finely settled and I left things well among them."¹

The Friends were the first to send missionaries into the wilds of Carolina. These missionaries were William Edmundson and George Fox. What conclusions may we draw from the journals of Edmundson and Fox in regard to the state of religion in the early days of the colony and in regard to religious denominations there at that time? In the first place, besides the case of Phillips, the author has been able to find no other example in the early history of the colony that suggests, or can be so construed as to indicate, persecution as a motive for settlement. The statement that Phillips and his wife had not seen a Friend in seven years indicates clearly that there were none in that part of Carolina, at least. Seven years carries us back to 1665, when there were probably about 500 families in the settlement.² Is it probable that a Quaker would have lived for seven years in

seen Edmundson's Journal, and his reading of Fox's Journal, to which he refers, must have been very careless for him to make such a blunder as this (*History of North Carolina*, II., 363), especially when Fox says himself that when he and his companions returned to Maryland, from "Friends we understood that William Edmundson having been at Rhode Island and New England was returned to Ireland" (*Journal*, 461).

¹ *Journal*, 112-115, reprinted in *Col. Rec.*, I., 226, 227.

² Oldmixon gives 300 families in 1663.

a place where his brethren were all around him without once visiting them and exhorting them to good works? and this, too, where the whole area of the settlement was not more than forty miles square, his home near the center, and all points accessible by water? Few things could have been more improbable.

In the second place, the accounts do not indicate that the settlers were men of fixed views in matters of creed. Had they been Quakers they would no doubt have had regular times and places for worship, as their services are very simple; they do not recognize the ministry as a separate calling, and every member of the body of Friends is at liberty to conduct religious meetings when moved by the Spirit; moreover, instead of having the meeting appointed by the visiting brother, they would have perhaps done this themselves had there been an organized society, as they did at the time of Edmundson's second visit in 1676. If these settlers were persecuted Baptists or Presbyterians we cannot explain their easy conversion to a new form of faith. Only men and women of strong character and fixed belief become religious exiles; nor would such men in less than a score of years have given up the faith of their fathers, for which they had exiled themselves from civilized society, and adopted a new and untried form of belief. Their indulgence in the pipe, while evidently done with no purpose to disturb the worship, shows very clearly their ignorance of its forms and ceremonies and that they, like Henry Phillips, had seen neither a Friend nor any other minister in seven years and more. They had forgotten how to conduct themselves on such occasions, for the simple truth of the matter is that these were the first religious meetings ever held in Carolina. The men who attended them were not habitual lawbreakers and outcasts from the moral universe. They had settled in this wilderness for political and economic reasons or to gratify that love of adventure and travel so characteristic of the Teutonic race. Fox found a people who realized their need

of religion. They were "tender and open," he says, and many of them no doubt, in the solitude of an unexploited wilderness and in the midst of the dangers and hardships attendant on a new order of things, had felt the sweet and strengthening influence of that power which comes from above. They were religious, but they had no bigotry; many of them perhaps did not fancy the outward appearance and form of Quakerism; but they felt the need of religious organization; they saw that nothing was to be expected from the Proprietors; for they had done nothing beyond the theoretical establishment of a church and had then abandoned the colony in a way that was thoroughly characteristic of all their actions when their pecuniary interests were not at stake. The colonists had been left to grope after spiritual things without help from man, and the episode of the pipes indicates that many had fallen short of what are called the proprieties of life; but their hearts were right, and when the grace of God is offered them in their own homes they accept it with gladness and a vigorous branch of the Christian Church is founded. The true beginnings of the Quaker element in North Carolina are to be found in converts made on her soil, and not in immigrants fleeing from religious persecution in New England and Virginia.

No argument in favor of the refugee theory can be based, then, on the journals of Edmundson and Fox. They tell us in substance that they found no Quakers during their first visit, and the whole tone of their journals is against it. To this negative testimony we have the direct and positive testimony of the party of the Established Church. Henderson Walker, then Governor, writing to the Bishop of London under date of October 21, 1703, states clearly that the first settlers were not Quakers. He says: "We have been settled near this fifty years in this place, and I may justly say most part of twenty-one years, on my own knowledge, without priest or altar, and before that time, according to all that appears to me, much worse. George Fox, some years ago, came into these parts, and, by strange infatuations, did infuse the Quaker's prin-

ciples into some small number of the people; which did and hath continued to grow ever since very numerous, by reason of their yearly sending in men to encourage and exhort them to their wicked principles; and here was none to dispute nor to oppose them in carrying on their pernicious principles for many years.”¹ William Gordon, writing to the Secretary of the Society for the Propagation of the Gospel on May 13, 1709, says: “There are few or no dissenters in this government but Quakers, who plead that they were the *first* settlers but this (according to the best accounts I could get) seems false in fact,—that religion being scarce heard of there till some years after the settlement; it is true some of the most ancient inhabitants, after George Fox went over, did turn Quakers.”²

What then was the leading motive in the settlement of Carolina? Why did Englishmen come from the Bermudas, from Virginia and from New England to settle amid the unexploited wilds of Carolina? Was it merely to gratify a spirit of adventure, to satisfy the longings for new and untried scenes, or was there a deeper and more material motive in this movement?

The desire for more land and better land was one of the leading factors, if not the chief one, in the settlement of North Carolina. The Anglo-Saxon has ever been noted for his love for the ownership of land. The mother-country was crowded. He came to Virginia and New England. Virginia increased in population, New England was barren, and the colonist in every age has loved wide and fertile fields. This explains the present rush to the Northwest; this explains the incredible growth of Oklahoma. In the seventeenth century, as now, the colonist was ever eager for a wide stretch of bottom land. “Up stream and up creek, across divides to other water courses, there was ever the same object in view, more bottom land and better bottom land.”³

¹ Col. Rec., I., 571.

² *Ibid.*, I., 708, 710.

³ Col. Saunders in Prefatory Notes to Col. Rec., I., xxi.

The soil of northeastern North Carolina, moreover, had few equals on the globe. It was level, well wooded, and so fertile that if the surface was but scratched it brought forth heavy returns. Its natural products were so varied and bountiful that both man and beast found a large part of their sustenance ready prepared in nature's storehouse. The broad and navigable rivers furnished easy means of communication and were well stocked with excellent fish. The Indians were peaceable, and there were few extremes in temperature. In no country was a living gained with less labor than in Carolina. The settlers were agriculturists and took up large tracts of territory. They lived miles perhaps from their neighbors. They were surrounded by their families and slaves; they produced all things needed for home consumption; they lived in economic independence if not in elegance, and were content so long as imbecile Governors and ignorant Proprietors left the affairs of the colony in their own hands.

Besides the natural attractions to be found in the climate and soil of Carolina we have contemporary evidence that land, and not religious freedom, was the object of the earliest settlers. Nor do all later writers give countenance to the refugee theory. Janney, who makes copious use of the journals of the fathers of the Society of Friends for his *History of Friends*, makes no claim that there were Quakers in North Carolina prior to the coming of Edmundson and Fox in 1672.¹ Bowden, in his *History of the Society of Friends in America*, does not claim any of the earliest settlers as Quakers with the exception of Phillips. He even states that "there appears not to have been a religious sect in the colony."² This egregious claim seems to have been set up for the first time by Williamson, on what authority we are at a loss to say. It is not countenanced by the earlier writers on the province. Governor Johnston wrote to the Board of Trade in 1749 that "the province of North Carolina was first settled by people from Virginia in low circumstances

¹ II., pp. 258, 262, 263.² I., 409, 411.

who moved hither for the benefit of a larger and better range for their stocks.”¹

The account of John Lawson gives no support to the refugee theory. This account was written about 1708, and the author was near enough to the founders of the commonwealth to know their real motives for settlement. This was made not for religious but for economic reasons, “by several substantial planters from Virginia and other plantations; who finding mild winters, and a fertile soil beyond expectations, producing everything that was planted to a prodigious increase; their cattle, horses, sheep and swine, breeding very fast, and passing the winter without any assistance from the planter; so that everything seemed to come by nature, the husbandman living almost void of care, and free from those fatigues which are absolutely requisite in winter countries, for providing fodder and other necessities; these encouragements induced them to stand their ground, although but a handful of people, seated at a great distance one from another, . . . the fame of this new discovered summer country spread through the neighboring colonies, and in a few years drew a considerable number of families thereto.”²

But if this accumulation of evidence is insufficient to convince any one, we have clear and distinct testimony to the same effect from a contemporary, who was a resident of the colony, a member of the Governor’s council, and a man whose business as surveyor-general would give him a better opportunity to discover the motives of the settlers than any other profession. This man was Thomas Woodward. He writes under the date of June 2, 1665, to Sir John Colleton and advises him for the present not to allow settlers to seat themselves beyond certain prescribed limits, and in the next place warns him that “The proportion of land you have allotted with the rent, and condition are by most people not well resented [received] and the very rumor of them dis-

¹ Col. Rec., IV., 920.

² History of Carolina, pp. 109, 110, edition 1860.

courages many who had intentions to have removed from Virginia hither : Whilst my lord Baltimore allowed to every person imported but fifty acres, Maryland for many years had scarce fifty families . . . but when he allowed one hundred acres for a person, it soon began to people . . . so if your Lordships pleased to give large encouragement for some time till the country is more fully peopled, your honour may contract for the future upon what condition you please, but for the present, to think that any men will remove from Virginia upon harder conditions than they can live there will prove (I fear) a vain imagination, it being land only that they come for.”¹

¹ Col. Rec., I., 100.

CHAPTER IV.

THE FIRST STRUGGLE FOR THE ESTABLISHMENT.

The last quarter of the seventeenth century was the golden age of Quakerism in North Carolina. The Friends were the first, of "all who profess and call themselves Christians," to labor in this new field. During this period they met with no rivals. No other dissenting ministers appeared in the colony. The Church of England, provided for so elaborately by the Fundamental Constitutions of Locke, had been developed in theory only; no Episcopal ministers had come to the colony; no parishes had been laid off, no churches had been built, no tithes had been levied; absolutely nothing was done by the Established Church for the spiritual advancement of North Carolina prior to 1700; and when the eighteenth century dawned, the Quakers, by their thorough organization, by their earnest preaching, by their simple and devoted lives, by their faithfulness and love, had gathered into their fold many men and women who belonged primarily to other denominations, and who might have remained there had any other opportunity for worship been granted them. But this privilege was denied; they became Friends and remained faithful to their new-found form of belief.

The Society of Friends was thoroughly organized as early as 1676. In 1681 Fox advised them to unite with Friends in South Carolina in establishing a yearly or half-yearly meeting.¹ In 1689 a quarterly meeting was begun, and prior to 1690 their manuscript records show that Quakers were coming into the province from Pennsylvania and Ireland. They had no meeting-houses prior to 1703, but traveling Friends visited them from time to time and had "many comfortable meetings." They begin to appear as a promi-

¹ Bowden, I., 413.

ment political factor after the appointment of John Archdale as Governor of Carolina in 1694. Archdale was a convert of Fox and had been in North Carolina as early as 1683, representing the interests of his father, who was a Proprietor. He visited the colony again in 1686 and administered affairs during the temporary absence of Sothel. He was in North Carolina a third time soon after his elevation to the governorship, and in the fall of 1694 appointed Thomas Harvey deputy governor. Harvey ruled the colony with satisfaction to all parties. The good work inaugurated by Archdale was continued; the colonists enjoyed peace within and without; their general progress was steadily upward; but the golden age was drawing to its close.

Archdale had been sagacious, prudent and moderate. His arrival was like balm to the colony, long torn and bleeding from political dissensions and from the misrule of ignorant Proprietors and villainous Governors. These troubles were ended by his coming. The colonists set themselves at once to recover lost vantage-ground, and seem to have entered on a period of prosperity and quiet which had hitherto never been known in their troublesome history. Archdale's faith tended also to encourage religion and morality. The Quakers received an impetus which gave them the prestige and power needed to carry them through the struggles of the next twenty years. While enforcing a military law Archdale exempted all Friends from service, and they now began to appear more frequently than formerly as holders of office. The Council, the Courts and the Assembly soon showed a preponderance of Quaker influence. There was a material reward for being a Quaker, and Churchmen and others who thus found it to their interests deserted their own creeds to enroll themselves among the Friends.¹

There were, however, many men and women in the colony who remained faithful under all disadvantages to the traditions and usages of the English Church and who led pious

¹ Col. Rec., I., 708; Hawks, II., 364.

and godly lives. It is certain that the Churchmen, together with those who professed little or no religion, were numerically the stronger. There is no evidence to show that the Quakers were ever in the majority, but they had the virtual control of affairs from the appointment of Archdale to the governor-generalship in 1694 until the death of Deputy Governor Thomas Harvey on July 3, 1699.

Up to this time there seems to have been no law in the colony against Dissenters. There may have been a few cases where Quakers were imprisoned for not bearing arms, as was the case in 1680,¹ but this instance seems to have been a political rather than a religious affair; and as their records are almost entirely silent on this point, we may assume that they enjoyed perfect religious freedom, except so far as the knowledge that the Church of England was in theory the established church of the land might oppress them.

But things were to change. On the death of Harvey, Henderson Walker became deputy governor, not under any appointment from the Proprietors, but in virtue of his office as president of the Council.² Walker was born in 1660, perhaps in Virginia. He migrated to the colony of Albemarle when just arriving at manhood, and by ability and energy rose to the highest office in the colony. He was a zealous Churchman, and during his rule saw the first minister of the Church of England established in North Carolina. This clergyman was the Rev. Daniel Brett. He came out in 1700, and seems to have been sent by the Society for Promoting Christian Knowledge, whose founder and guiding spirit was the Rev. Thomas Bray. Brett brought with him a small library given by the Society, and the first one for public use in North Carolina.³

¹ MS. Records of Perquimans Monthly Meeting.

² Col. Rec., I., 530.

³ *Ibid.*, I., 572. Walker here says that the library was given by "the honourable the corporation for the Establishing the Christian Religion," which was all no doubt intended to mean the S. P. C. K. Aug. 5, 1701, a letter "from the Rev. Mr. Daniell Brett of North Carolina to Dr. Bray" was read before that Society, and this indicates that Brett came out under its directions. Cf. Rev. Edmund McClure's "A Chapter in English Church History, Journal of the S. P. C. K.," p. 143.

From the glimpse we have of Brett's career we may conclude that he entered his profession not from any sense of duty but simply as a means of support. The few lines devoted to him in Henderson Walker's letter to the Bishop of London on Oct. 21, 1703, are painful in the extreme and show that he was an unfortunate person to be intrusted with the direction of the legal church of the land. Gov. Walker says: "He for about half a year behaved himself in a modest manner, but after that in a most horrid manner, broke out in such an extravagant course that I am ashamed to express his carriage, it being so high a nature. It hath been a great trouble and grief to us who have a great veneration for the Church, that the first minister who was sent us should prove so ill as to give the dissenters so much occasion to charge us with him."¹ Thus ended in shame and disgrace the first missionary effort made by the Church of England to preach the Gospel in North Carolina. Its first clergyman flashes before our eyes like a meteor, as transient and as uncertain. His fall gave scoffers an opportunity to deride and strengthened the cause of the Dissenters. His coming was productive only of harm. We know nothing and care nothing for his fate. From the known purity of Dr. Bray we must believe that he was entirely ignorant of this fellow's character; but he was most unfortunate in his selections, for Brett is only a prototype of Urmstone, Blacknall, Boyd and Moir.

The writer does not believe that the presence of Brett hastened materially the Act of 1701. While his presence would tend to unite the scattered followers of the English Church, his subsequent evil conduct tended materially, on the other hand, to disorganize and divide them. What they had been waiting and watching for was the strong arm of a leader who could unite and concentrate their scattered forces. This man appears in the person of Henderson Walker. He represents a rebound from the Quaker rule of the former years. He stands for the idea of authority as opposed to the individual-

¹ Col. Rec., I., 572.

ism and democratic tendencies of Fox and his followers. Under his guiding hand the Churchmen ride into power.

In the autumn of 1701, the Churchmen, by "a great deal of care and management," secured an Assembly which passed an act making the Church of England the Established Church of the colony. Under this law parishes were laid out, the erection of churches was provided for, and a maintenance of £30 was promised to each minister. To meet these expenses a poll tax was levied on every tithable person, and the collectors were given power to distrain in case of refusal. The act was, in accord with the requirements, submitted to the Proprietors for their approval.¹

But the zealous Churchmen could not endure the delay that must follow reporting the act to the Proprietors and began work at once under its provisions. December 15, 1701, the vestry of Chowan precinct, which had been appointed "in obedience to an act of Assembly made November 12th," and which seems to have been the first Episcopal organization in the province, met at the house of Thomas Gillam and made arrangements for the erection of a house of worship. They elected Col. William Wilkinson and Capt. Thomas Leuten churchwardens, and instructed them to agree with a workman in regard to building a church, twenty-five feet long, "posts in the ground and held to the collar beams."² The builder was John Porter, who received £25 for his work.³ It was finished prior to October 13, 1702, but did not give satisfaction at first because the vestry believed that the boards were not "fit for ceiling such a house."⁴ It was accepted on December 15 on condition that Porter "provide so much lime as will wash the ceiling of the chapel."⁵ This was the first house of worship erected in North Carolina. Its location cannot be definitely fixed. Dr. Hawks thinks that it was in

¹ Col. Rec., I., 544, 572; Hawks, II., 357. The original act has not been preserved.

² Col. Rec., I., 544.

³ *Ibid.*, I., 559.

⁴ *Ibid.*, I., 560.

⁵ *Ibid.*, I., 561.

or near Edenton, and he is doubtless correct.¹ When completed it was served by Richard Curton as reader. He received £7 10s. for his services, but a year later had disappeared. In 1703 two other houses were being erected. The law directed that the churchwardens should provide weights and measures for the use of the precinct, together with "one fair and large book of common prayer, and the book of homilies."² The wardens sent a special messenger to Williamsburg for the three church Bibles intended for the province, and to each of these three churches Gov. Francis Nicholson, of Virginia, "of his pious goodness," gave £10.

The legislative act of 1701 had not been carried without "a great deal of care and management," as Walker confesses. It had aroused, moreover, the spirit of all the Dissenters. Those opposed to the Church by reason of the taxes imposed joined the Quakers, who opposed it on principle; a vigorous campaign was carried on, and the anti-Church party returned a majority of their nominees to the Assembly of 1703. "My Lord," writes Walker to the Bishop of London in October, 1703, "I humbly beg leave to inform you, that we have an Assembly to sit the 3d November next, above one half of the burgesses chosen are Quakers, and have declared their designs of making void the act for establishing the Church; if your lordship, out of your good and pious care for us, doth not put a stop to their growth, we shall the most part, especially the children born here, become heathens."³

The question of an Established Church in North Carolina had been thus squarely precipitated. The party in favor of its establishment had thrown down the gauntlet to the Dissenters, and the latter had not been slow in accepting the challenge. They announced their intention of repealing the law of 1701, but were spared this trouble by the Proprietors, who returned the bill disallowed on the ground that £30 was

¹ Hawks, II., 341.

² Col. Rec., I., 558.

³ *Ibid.*, I., 572.

an insufficient allowance for the support of a clergyman.¹ The Establishment had gained three churches under the act; it could expect nothing more.

Thus ends the first act in the great struggle to divorce the State and Church. Thanks to the Proprietors, matters had not yet come to the worst. The Separatists had been successful, but they were not allowed to rest on their laurels. They soon learned that eternal vigilance was to be the price of their religious liberty, and they seemed never disinclined to pay it. Their opposition could be carried on more successfully under the leadership of the Quakers because of the thorough organization of that Society into monthly and yearly meetings, which made them like an iron wedge in the midst of yielding wood. They were stable in the midst of instability. They were the Jacobins of the pending revolution.

¹ Col. Rec., I., 601. On the sufficiency of this allowance compare Goldsmith's famous line,

"And passing rich with forty pounds a year."

Compare also Mill, *Political Economy*, Bk. II., ch. xiv., sec. 3. By the 12th of Queen Anne it is declared "That whereas for want of sufficient maintenance and encouragement to curates, the cures have in several places been meanly supplied, the Bishop is therefore empowered to appoint by writing under his hand and seal a sufficient certain stipend or allowance, not exceeding fifty, and not less than twenty pounds a year." Adam Smith says that in his day, notwithstanding this provision, forty pounds a year was reckoned very good pay for a curate, and there were many curacies under twenty pounds a year. Lecky, quoting Burnet, in his *History of England in the Eighteenth Century*, bears witness to this state of affairs, and shows that the condition of the ordinary pastor was so poor at that time that the common artisan would hardly exchange places with him. In rejecting this act the Proprietors were demanding more of the colonists for their clergy than was given to the same class of men in England.

CHAPTER V.

THE SECOND STRUGGLE FOR THE ESTABLISHMENT; ITS RELATIONS TO THE "CARY REBELLION" AND THE TUSCARORA WAR.

The first attempt to fix the Church of England on the colony of North Carolina as the state religion was internal in its origin. It was precipitated by the General Assembly, and was the crystallization of the wishes and desires of a very large and respectable part of the colonists themselves. It represented their spontaneous effort to return to the order of things to which they had been accustomed in their former homes in Virginia and England. As the first struggle for the Establishment came from within, so the second struggle came from without, and was more reprehensible than the first in proportion as external influence was brought to bear in fixing the Church of England as the State Church upon a large body of Dissenters who had demanded freedom of religion before settling in the province. These Dissenters seem to have regarded the Church as provided for in the charter of the Proprietors as a theory merely, never likely to be realized as a condition; and it soon became apparent that the exhaustive provisions of the Fundamental Constitutions could never be executed in a country as free as Carolina. Up to the time when the Act of 1701 was passed North Carolina had enjoyed practically absolute freedom of conscience although theoretically under an Establishment. The effort to realize this theory threw all the Dissenters into a single compact body of opponents. This body was composed of Scotch Presbyterians, Dutch Lutherans, French Calvinists, Irish Catholics and American Quakers.¹ It was not the tax, paltry in itself, against which these men were fighting, it

¹ Martin, History of North Carolina, I., 218.

was the principle involved. The power to tax implies the power to destroy, and, if the Dissenters were to admit this authority, the liberty which they had enjoyed for a quarter of a century was at an end. It was not the amount of the ship-money that led to the great English rebellion, nor was it the amount of the taxes imposed that prepared the way for the American rebellion in 1775; but in each case it was principle. Men fight less for material facts than they do for moral principles. In this struggle in North Carolina against spiritual power and usurpation, those who contended for the ethical idea were readily joined by the mob, who, always godless, cared more for the tithes than for the principles of freedom, and by a few men like Edward Moseley, who were themselves devoted Churchmen, but who, like Patrick Henry and Thomas Jefferson toward the close of the century, took their position against the Establishment because it was right.

The attempted enforcement of the Act of 1701 and the struggle against it do not seem to have caused any serious disturbance; for while Walker was a Churchman, he was also a citizen of the colony. He desired to see it prosper, and we can readily believe that he did all he could, consistently with his position as a steady supporter of the Establishment, to allay the domestic broils and internal disorders. Compared with what was to come, his administration did give to the colony "that tranquillity which it is to be wished it may never want," as his tombstone makes claim;¹ but he died on April 14, 1704, and it was left to his successors to set the two factions in the colony in arms against each other, to exhaust its internal resources and thus invite the bloody onslaught of the Tuscaroras in 1711.

From the appointment of Archdale to the governor-generalship in 1694, the Proprietors seem to have practically abandoned the colony to its own resources. During the first five of these years it had been presided over by an appointee

¹ Wheeler, *History of North Carolina*, I., 34.

of the Governor-General, a man thoroughly versed in their affairs and in full sympathy with them. Their ruler during the last five had been chosen by themselves. The colony had flourished under the control of Harvey and Walker, but this state of things was now to be changed.

The Proprietors had commissioned Sir Nathaniel Johnson Governor-General of the Carolinas in 1702. After the death of Walker he was instructed to appoint a deputy governor for North Carolina. He appointed Col. Robert Daniel, who had been a resident of South Carolina for some years. He had distinguished himself at a recent attack on St. Augustine. He was a Landgrave under the Fundamental Constitutions. He was cruel and merciless in disposition, but had great zeal for the Established Church.

The Church party also received strength from the newly organized Society for the Propagation of the Gospel in Foreign Parts. This Society was the work of Rev. Thomas Bray, who arrived in America in 1700 to examine the religious needs of the colonists. It is probable that he visited North Carolina, and on his return to England recommended that two missionaries be sent to that province, whose Governor "being a very worthy gentleman, I dare promise will give the best countenance and encouragement which shall be in his power."¹

¹ Hawks, II., 339. Bray's report was printed in 1700 after his return. Stephen (Dict. National Biog., Art. Bray) makes no mention of a visit to America earlier than the one begun December 16, 1699. It seems then that Dr. Hawks is in error when he says that Bray "remained in America two or three years" (Hist., II., 338). In 1701 Dr. Bray published a memorial "representing the present state of religion in the several provinces on the Continent of North America, in order to the providing a sufficient number of missionaries so absolutely necessary to be sent at this juncture into those parts," folio, London. It is republished in the Prot. Epis. Hist. Soc. Coll., pp. 99-106. From this memorial it appears that outside of Virginia and Maryland there were not half a dozen clergymen in all the colonies, and that including these two colonies there were hardly forty in all. North Carolina was not so much worse off than her neighbors, then. Cf. Perry, Hist. Amer. Epis. Church, I., 203.

The first representative of the Society in North Carolina was Rev. John Blair, who came out in January, 1704. He found the people scattered, the means of communication poor, the Dissenters strong and the Churchmen lukewarm. The Assembly of 1704 did nothing toward settling his maintenance; he became discouraged and left the colony in a few months. His mission was an utter failure. He has given us the reasons for it. There was a lack of inhabitants to maintain the ministers; the territory was entirely too large for one man to serve. Blair says that he was one hundred and twenty miles from any other clergyman and that he traveled thirty miles a day, Sundays excepted. The precincts were each bounded by two rivers. These rivers were about twenty miles apart and there were no settlers in the interior. The new colony of Pamlico, moreover, lay far to the south, separated from the others by a "pond five miles broad."¹ Under these circumstances it will be seen that only failure could await the missionary. Besides these physical disadvantages, the Society had to struggle against indifference at home to mission work² and an active body of Dissenters in the colony. Dr. Blair divides the inhabitants of Albemarle into four classes according to their religious affiliations: (1) the Quakers, who were "the most powerful enemies to Church government, but a people very ignorant of what they profess"; (2) those who have no religion, but would be Quakers if it did not demand greater purity of life; (3) the third sort are something like Presbyterians, "upheld by some idle fellows who have left their lawful employment, and preach and baptize through the country without any manner of orders from any sect or pretended church"; (4) zealous Churchmen, fewest in number, "but the better sort of people." The first three classes were all of different pretensions, but they made common cause "to prevent anything that will be chargeable to

¹ Col. Rec., I., 600 *et seq.*

² *Cf. ibid.*, I., 604, for the petition of the people of Bath county to Parliament for a minister. It seems not to have been noticed.

them, as they allege church government will be, if once established by law."¹

The mission of Dr. Blair was not without its effect on the future religious development of North Carolina, however. It served to bring out fairly and squarely the religious politics of every man in the colony. He was for a Church Establishment or he was against it. Blair's presence seemed to unite the "zealous Churchmen," to make them better acquainted with one another, and to prepare them for the second struggle for the Establishment which was now at hand.

Lord John Granville was the Palatine. He was a bigoted Churchman, and instructed Sir Nathaniel Johnson to see that the Church of England was made the Church of Carolina. The appointment of Johnson had been opposed by the Queen because she did not believe him well affected toward her succession to the crown. Johnson labored assiduously, therefore, to accomplish the desires of the Palatine.² He began with South Carolina. By dint of political trickery, some of it suggested by Lord Granville himself,³ Johnson secured the passage of a law by the South Carolina Assembly, on May 6, 1704, which reproduced the essential principles of the Test Act of 1673.⁴ It required all members of the Assembly to subscribe to the Act of 1678 which disabled the Papists; to take the oath of allegiance to Queen Anne; to receive the

¹ Col. Rec., I., 600 *et seq.* Efforts have been made by various writers, who base their arguments on this and similar instances, to show that there was in North Carolina "chronic objection to taxes in any form." But this "chronic objection" was by no means peculiar to North Carolina. "There is, in fact, reason to believe that one of the things against which our forefathers in England and the American colonies contended was not against oppressive taxation, but against the payment of any taxes at all." —Ely, *Taxation in American States and Cities*, p. 108.

² Hawks, II., 504; Caruthers, *Life of David Caldwell*, 60.

³ Hawks, II., 505. *Cf.* also Col. Rec., I., 639, 640. The General Assembly was chosen with "very great partiality and injustice." "This act was passed in an illegal manner by the Governor's calling the Assembly to meet the 26th of April, when it then stood prorogued to the 10th of May following."

⁴ For the terms of this Act, *cf.* p. 53, note 3.

sacrament according to the rites and usages of the Church of England, or to swear and subscribe to an oath of conformity to the Church of England. A penalty of fifty pounds for the first time the representative sat and ten pounds for every day thereafter was inflicted on all who refused to conform to this act, because it "hath been found by experience that the admitting of persons of different persuasions and interests in matters of religion to sit and vote in the commons house of Assembly, hath often caused great contentions and animosities in this province, and hath very much obstructed the public business."¹ On November 4 of the same year the act was supplemented by a further act, consisting of thirty-five sections, for "the Establishment of Religious Worship in this Province according to the Church of England, and for the Erecting of Churches for the Public Worship of God, and also for the Maintenance of Ministers and the Building Convenient Houses for them."² It established a commission of twenty laymen, who were given the power, on the request of nine parishioners and a majority of the vestry, to cite the minister or rector before them, hear complaints against him, and if in their opinion the charges were sustained, to remove him either by delivering such an announcement into his hands, by leaving it at his home or by fixing it to the church doors.³

Thus far all was well; but it seemed that a large part of the inhabitants of South Carolina were not in sympathy with the Church of England and were determined not to be legislated into its folds. No mere act of human legislation could mould the Dissenters of South Carolina, who were composed of the same elements as the Dissenters in North Carolina, into "one harmonious lump of piety and orthodoxy." The Dissenters drew up a petition in which their

¹ Act in Col. Rec. of North Carolina, II., 863-867.

² In Col. Rec., II., 867-882.

³ Secs. xv. and xvi., Col. Rec., II., 873, 874. The acts were signed by Granville, Carteret, Craven and Colleton. "Some of the Proprietors absolutely refused to join in the ratification of these acts." *Ibid.*, I., 635 *et seq.*

grievances were recited, and forwarded it to the Proprietors by the hands of Joseph Boone.¹ About the same time Edmund Porter, a Quaker, appeared in England as the representative of the complaints and grievances of the northern colony.²

Lord Granville, the Palatine, received the petition of his subjects from the wilds of Carolina with haughty coldness. It was pushed into the House of Lords. After hearing the complaint of the colonists and the Proprietors through their counsel, the Lords spiritual and temporal declared that the law passed by the legislature of South Carolina for the establishment of religious worship was "not warranted by the charter granted to the Proprietors of that colony, as being not consonant to reason, repugnant to reason, repugnant to the laws of this realm, and destructive to the constitution of the Church of England." They declared further that the act requiring all members of the Assembly to take the oath, subscribe to the declaration and conform in religious worship, "is founded upon falsity in matter of fact, is repugnant to the laws of England, contrary to the charter granted to the Proprietors of that colony, is an encouragement to atheism and

¹ Petition in Col. Rec., I., 637 *et seq.*

² Martin, I., 219; Caruthers' Caldwell, 60; Hawks, II., 508. Dr. Hawks says that Porter accompanied John Ash, who was sent to England from South Carolina in 1703 to complain of the undue election of an Assembly, of heavy taxes and impositions on trade (Col. Rec., II., 901 *et seq.*); but this could not have been the case. The complaints which Ash carried are dated June 26, 1703, and his published account of his mission was issued in the same year. This was before the death of Walker, and consequently there had been at that time no fresh disturbances in North Carolina. I have been able to find no contemporary authority for the statement that Edmund Porter was the man who went to England on this occasion, but that such a messenger was sent there can be no doubt. Missionary Gordon, writing in 1709, says that about 1704 "the Quakers sent complaints against Colonel Daniel." "In the year 1706 they sent one Mr. John Porter to England, with fresh grievances and new complaints." (Col. Rec., I., 709.) This view is sustained by De Foe's "Party-Tyranny; or, An Occasional Bill in Miniature; As now Practiced in Carolina." London, 1705; reprinted in Col. Rec., II., 891 *et seq.* It is not improbable that Edmund Porter went over with Boone.

irreligion, is destructive to trade, and tends to the depopulating and ruining the said province.”¹ This was not all. On the tenth of June, 1706, the obnoxious laws were repealed by proclamation of the Queen, and the Attorney-General was ordered to proceed against the Proprietors *in quo warranto* for a forfeiture of their charter.² Such were the opinions of the House of Lords and such the action of the Queen concerning the efforts to establish the Church of England in South Carolina.

While Daniel was Deputy Governor of North Carolina, late in 1704 or early in 1705, a law known as the “Vestry Act” was passed by the North Carolina Assembly, by “one or two votes.” No copy of the act has been preserved, but Missionary Gordon says it provided that twelve vestrymen be chosen in each precinct; they had power to build a church in each and raise money from the inhabitants for that purpose; thirty pounds was provided for the minister whom the vestry by the act had power not only to disapprove but even to displace.³ It has been said that this act was nothing more than a re-enactment of the Vestry Act of 1701, and its provisions as recorded by Gordon seem to sustain this hypothesis. It has been denied that it was as oppressive as the act passed about the same time by the South Carolina Assembly. It is said that the North Carolina act established a Church by law but did not require conformity thereto, and it is urged against the existence of such an act in North Carolina that we find no mention of North Carolina in the petition of the South Carolina Dissenters nor in the answer to their petition,⁴ but have we a right to expect such a reference? The South Carolinians were complaining of their own grievances and not of those of their northern neighbors and kinsmen; their petition was drawn up and signed in South Carolina, and because of the poverty of intercourse they may never have heard of the North Carolina

¹ Col. Rec., I., 636, 637.

² *Ibid.*, I., 642, 643.

³ *Ibid.*, I., 709.

⁴ *Ibid.*, I., Prefatory Notes, xxv. *et seq.*

troubles. The Dissenters in North Carolina, however, recognized the intimate connection between the two, and sent one of their number three thousand miles to assist the representative from South Carolina in his mission. We cannot explain why they would have been willing to incur such expense and trouble had they not been vitally interested in the question at issue. The Dissenters in North Carolina knew well enough that if they could help the Dissenters in South Carolina to a victory over the Churchmen there, then the distasteful laws passed by their own Assembly must also fall, and hence there was neither cause nor reason for mentioning the grievances under which they were themselves laboring. It is unfortunate that the act has not been preserved among our early laws, so that the question might be settled entirely; but its absence means nothing whatever, for our records are notoriously imperfect. The act is unmentioned by the missionaries probably because there were no missionaries in the province while it was in force, and those who came later naturally felt a delicacy in bringing a matter into the public gaze in which they and their interests had suffered a most lamentable defeat, and a defeat coming, moreover, not from their natural opponents, the Dissenters, but from the highest authority in England, an authority disposed to sustain them under all reasonable circumstances. More than this, the Assembly which passed the ecclesiastical laws of which the Dissenters are now complaining had been secured only "after many attempts," and no doubt by "a great deal of care and management," as had the Assembly of 1701. The Dissenters had been thrown off their guard. We are told that the law was passed by only "one or two votes," and that after its passage the "Quakers, who, being still powerful in the Council, numerous in the Assembly, and restless in their endeavors, spared neither pains nor expense to have this act repealed or altered."¹ Further, in regard to the act of 1701,

¹ Col. Rec., I., 709. This quotation does not refer to the act of 1701, for it is not probable that Henderson Walker when writing to the Bishop

the Quakers simply collected their forces, elected a majority of the members of the Assembly from their ranks, and announced themselves as prepared to repeal the obnoxious law at the next session of the Assembly. If the act of 1704 was not different from that of 1701, why is it treated so much more seriously by the Dissenters? Why incur the expense of an agent in England if their trouble was similar to that in 1701? The fact that an agent was considered necessary to attend to their interests indicates that the new law in North Carolina was closely akin to that in South Carolina.

These certainly are the views which have been held by the historians of the State. Martin says of Daniel, "This gentleman had it in charge to procure the establishment of the Church of England by legal authority. The bill received great opposition, but the address of the Governor secured its passage. The act provided, among other things, for a fine on any person holding a place of trust who should neglect to qualify himself, by taking the oath required by law."¹ Wheeler² says that "in 1704, by arts and intrigues in the General Assembly, a law was passed by a majority of one, disfranchising all Dissenters from any office of trust, honor, or profit." Dr. Hawks,³ quoting documents now not to be had, says that "most prominent" in Daniel's instructions "was the direction that he should kindle the torch of discord, and destroy the brief repose to which Walker had happily brought the province, by causing the Legislature of Albe-

of London would have left unmentioned so objectionable a clause as that which placed the clergy under the control of the vestry, had it been in the act of 1701. William Glover characterizes this clause as "a great error," and when found in the South Carolina act, the House of Lords said it was "destructive to the constitution of the Church of England."

¹This quotation is from Martin, I., 222. The statements made may be entirely wrong, but it is self-evident that Martin believed that the South Carolina acts of 1704 were passed in North Carolina also. He mentions an oath required of all persons holding "*a place of trust.*" In the North Carolina vestry act of 1715 oaths are required of no one except the vestrymen.

² History, I., 34.

³ II., 506.

marle to establish by law the Church of England in the northern part of Carolina."

From all the evidence we have on the subject, the writer is compelled to believe that the trouble was much more serious than it had been in 1701; that the North Carolina act was almost, if not entirely identical with the South Carolina acts of 1704. The evidence seems to indicate that men were required to conform to the English Church. We shall return to this phase of the question in discussing the causes of the "Cary rebellion"; but whether the Church Acts of North and South Carolina are identical or not is immaterial for the purposes of this paper. No one denies that an act was passed at this time which fixed an Established Church on the colony, and Dissenters were required to pay to its support. This was in itself insolence and intolerance, a retrogression from that state of practical religious freedom which the colonists had enjoyed prior to 1701, and a still further departure from the Protestant theory that every man carries within his own bosom the seat of authority, that each one is his own pope, and that none shall dare molest or make him afraid.

We now come to the so-called "Cary Rebellion," which is one of the most interesting, but at the same time one of the most involved events in our early history. In the troublesome times which followed Edmund Porter's mission to England, politics and religion are mixed together in almost inextricable confusion, and unfortunately all our materials come from the most bigoted and prejudiced of partisans. We must exercise the greatest care, then, in forming an estimate of the parties to this struggle from the evidence furnished us by the aristocratic party. Prominent among these witnesses is Thomas Pollock, the sworn foe of Edward Moseley, one of the popular leaders; another is Alexander Spotswood, Governor of Virginia, who, always notoriously unjust when writing of North Carolina affairs, could now pour out the vials of his wrath on the Dissenters, for he hated "a rebel only less than

a Quaker, and a Quaker only less than the Father of Evil."¹ Edward Hyde, the successor to the claims of Glover, also adds condemnation to the Quakers, and Gordon the missionary, like all the Churchmen, found only evil in their lives, motives and principles.

The main outline of events as given by Gordon seems to be as follows. About the time the troubles caused by the Church Act of 1704 were at their height, an act passed in the first year of Queen Anne, requiring an oath of allegiance to her and her heirs in the Protestant line, reached North Carolina. Daniel presented this oath to the Quakers, who refused, it is said, to take it because they swore not at all. They were thereupon dismissed from the Council, the Assembly and courts of justice; moreover, a law was made that no one should hold any office or place of trust without taking these oaths.² To complain against this new regulation seems to have been one of the duties of Edmund Porter. It is probable also that the declaration of the House of Lords in regard to the religious acts in South Carolina was not without its good effect, for we find that the Proprietors, through the influence of Archdale,³ who was opposed to this system of legislating religion into the colony, were prevailed on to remove Daniel from his overlordship in North Carolina and to appoint another deputy governor in his place.

This was done in 1705,³ and Thomas Cary was nominated as the successor of Daniel. Cary had been a collector of quit-rents for the Proprietors.⁴ He is perhaps the same as the Mr. Thomas Cary, a Carolina merchant, whom we meet on an earlier page of the records.⁵ He, like John Culpepper, had been the leader in a popular uprising in South Carolina before coming to North Carolina.⁶ He had possibly fled thence to

¹ Davis, *A Study in Colonial History*, p. 20.

² Col. Rec., I., 709. Cf. also Hawks, II., 509.

³ Col. Rec., I., 709; Hawks, II., 440, 508.

⁴ Williamson, I., 170. Cf. also Col. Rec., I., 723, 725.

⁵ Col. Rec., I., 557.

⁶ *Ibid.*, I., 801.

escape what he was soon to meet in his new home, and it is perhaps from this movement that he acquired his title of "colonel." His appointment seems to have given satisfaction at first to the Dissenters generally. When he came into power the Quakers made fresh efforts to obtain offices and a majority of the seats in the Assembly;¹ but Cary, like Daniel, tendered them the oaths of allegiance, which they again refused to take, and were again dismissed from the Council, the Assembly and the courts of justice. Cary procured, moreover, the enactment of a law by which any party who procured his own election or who sat and acted officially under any election without first taking the required oaths should forfeit five pounds for each offense.²

This law exasperated the Quakers and their allies, whom we may call the popular party. It seemed now that all their struggles for liberty were to become of no account, and that they were to be disfranchised by the man whose nomination they had sanctioned. They had wasted time and incurred expense in the struggle, and victory was too near in sight to be given up without another effort. In 1706 they sent John Porter as an agent to England, "with fresh grievances and new complaints."³ Porter sympathized with but probably was not a member of the Society of Friends. He had married the daughter of Alexander Lillington; he was a man of prominence and influence and became the ancestor of a large and distinguished family.⁴ He was successful in his efforts with the Proprietors. The authority of Governor Johnson was suspended; Cary was removed; several of the old deputies of the Proprietors were turned out of office; new appointments were made, and the power was given these deputies, who formed the council of the chief magistrate, to choose a new president of the Council from among themselves and he was to act as Governor.¹ Porter returned to North

¹ Col. Rec., I., 709.

² *Ibid.*, I., 709; Hawks, II., 509.

³ Col. Rec., I., 709 *et seq.*

⁴ Davis, 16; Ashe, A Chapter of North Carolina History Revised, 3.

Carolina in October, 1707, and from his return the "Cary Rebellion" may be said to date.

An effort has been recently made to explain the troubles which were now ready to culminate in the so-called "Cary Rebellion" as due solely to the refusal of the Quakers to take the oath of allegiance to Queen Anne, and not to any efforts to fix an Established Church in the colony.¹ If this is the true and only cause for the disturbance culminating in the deposition of Daniel from the deputy governorship in 1705 and of Cary in 1707, both under the authority and by the commands of the Lords Proprietors, we are put to the necessity of explaining how the Quakers, who were always numerically in the minority and who represented neither the wealth nor the intelligence of the colony,² were still able to retain the support of the other dissenting elements among the people, although the latter had no objection to taking the oath of allegiance, and, if we are to believe most accounts, were entirely too fond of swearing anyhow and practiced it on the slightest provocation. Nor will this theory explain the attachment of such men as Edward Moseley to the cause of the popular party. He had no objections to the oath; he was, moreover, a Churchman, and was therefore not in sympathy with the Quakers. It can be explained only when we remember that he was the broadest-minded man who lived in North Carolina during the first half of the eighteenth

¹ Col. Rec., I., Prefatory Notes, xxv. *et seq.* Cf. also Sketches of Church History in North Carolina, 54 *et seq.*, where the same position is taken.

² Missionary Gordon, writing in 1709, says that they were "very numerous" in Perquimans (Col. Rec., I., 713) and in Pasquotank (714) precincts. We learn from Rev. James Adams that this expression meant for Pasquotank 210 Quakers out of 1332 inhabitants (720). In Currituck there was one Quaker in a population of 539 (722). In Chowan there were "no Quakers or any other Dissenters" (712). In the letter just quoted Gordon says the Quakers were "but about the tenth part" of the inhabitants (711), and Adams says they were "not the seventh part" (686). Gordon says that they were not wealthy, "there being but few or no traders of note amongst them," and they were not the real leaders in the colony, for "their ignorance and obstinacy are but too remarkable upon all occasions" (711).

century. He was a patriot rather than a partisan, and as such espoused the cause of religious freedom against the bigotry and narrowness of his age and country.

The fundamental idea in the "Cary Rebellion" may have been in part with the Quakers opposition to the oaths of allegiance;¹ but it was with the large body of Dissenters living in the colony and who were not Quakers, and with a few choice spirits among the Churchmen themselves, none the less a sharp and emphatic protest against the arrogance, pride and attempted oppression of the Churchmen. This second element of the struggle is a necessary corollary from the first when we ask ourselves the question, on what grounds, even with the assistance of Archdale, did the two Porters secure from the Proprietors the removal of Daniel, and later of Cary, apparently for the same reasons? One school of critics will have us believe that these men were removed from office simply because they performed a plain and simple duty required of them and of all other Governors by the Crown. If this is true, if the Proprietors removed their subordinates because these subordinates administered the oath of allegiance, which oath was required both by the common law and by the statute law of the realm, and which requirement the Queen had not and the Proprietors could not dispense with, would not the Proprietors in that case have been guilty of treason against the Crown? This point is virtually admitted by William Glover himself in his protest.² Was there not, beyond and beside this oath of allegiance, another and more offensive matter, as Mr. Moore says in his history of the State,³ a test oath? The

¹ This view is not sustained by later events, however. When George I. came to the throne in 1714 he was proclaimed in North Carolina and the oath of allegiance was taken (Col. Rec., II., 146). The Quakers were as numerous and powerful as in 1704-5, but we find none of that uproar and confusion. When George II. succeeded, the most careful provisions were made in regard to the oaths of allegiance (*Ibid.*, III., 68, 69, 91, 109), but there was no rebellion on account of these oaths.

² Col. Rec., I., 698.

³ I., 32. In March, 1673, a Test Act was passed by the British Parliament which compelled all persons holding office under the government to

spirit of the colonial charters was opposed to the discriminations rigidly enforced in England against Dissenters. No officer in all England could escape subscribing to the Test Act, but it was a dead letter in America; and had this not been the case, Archdale could never have been Governor-General of Carolina. This suspension of the law in favor of the colonies was due largely to William III., who desired complete religious toleration, if not equality among Protestants.

The whole struggle seems to have been a repetition of that of 1677, only transferred to another field. In 1677 the trouble arose from the presence of a Governor who undertook to enforce the Navigation Acts, which up to that time had been a dead letter. In 1705 a Governor undertakes to enforce the Test Act, which had been a dead letter hitherto, with the ultimate hope of securing an Established Church. The result was rebellion. Some such view is absolutely necessary to explain the extent of the dissatisfaction. The claim that the Quakers, when the only plank in their platform was no oaths of allegiance for the oath's sake, could have been able to rally around their standard the majority of the inhabitants of a province who favored the cause for which the oaths of allegiance were created and who had no objections to swearing in itself, will not bear critical examination. The theory of the oaths of allegiance as the main motive is enough to explain neither the removal of Daniel nor of Cary, nor the wide extent of the revolt.

Having examined the causes leading up to the "rebellion," we are now prepared to retrace our steps and resume the narrative of events; and only when the actions of the popular party are viewed in the light of the troubles do they

take the oath of allegiance and supremacy, to abjure transubstantiation, and to take the sacrament according to the Established Church. This act together with the Corporation Act was repealed in May, 1828, through the efforts of Lord John Russell. A declaration containing the words "on the true faith of a Christian" was substituted for the sacramental test, thus admitting Protestant Dissenters to office.

become at all comprehensible as the actions of reasonable and thinking men.

After Porter returned from England and announced the instructions which he had received from the Proprietors, a day was appointed on which the old officers were to be suspended and the new ones to be qualified;¹ but before that day arrived Porter called the new deputies together, a majority of whom were Quakers, and had them choose William Glover as President of the Council. He thus became Governor of the province *ex-officio*, and Cary was suspended as Daniel had been.²

Glover was a resident of Perquimans and had been a clerk of the court in that precinct in 1699.³ Three years later he had become a justice of the supreme court of the colony.⁴ He was a Churchman, but the popular party seem to have thought him favorable to their interests, and his election was sanctioned by Col. Cary, Porter and other leaders.⁵ It was believed that the hateful laws against which they had been struggling, *whatever the nature of these laws may have been*, would now be regarded as a dead letter, since the action of the Proprietors in removing Daniel and Cary, who had both undertaken to enforce them, was the plainest and most direct evidence that these laws were not intended for the province. It was not to be supposed that the Governors of the province would undertake to do more than was required of them by the Proprietors, or what was directly against the will of the Proprietors, as the enforcement of the hateful acts and oaths was. Whatever may have been the legal relations of the popular party to the Proprietors hitherto, they now appear not as rebels hindering the course of law, but as patriots defending the rights granted them by the Proprietors and the English government; while their opponents could no longer pose as the representatives of law and order, but had clearly become

¹ Col. Rec., I., 710.

² *Ibid.*, I., 709 *et seq.*

³ *Ibid.*, I., 522.

⁴ *Ibid.*, I., 566.

⁵ *Ibid.*, I., 727.

usurpers, tyrants and autocrats, as far as they were able. Matters were precipitated, moreover, in April, 1708, by the arrival of Gordon and Adams, the new missionaries of the Society for the Propagation of the Gospel. The Establishment threatened to become more oppressive than ever, and it is no wonder that when Glover, like Daniel and Cary, tendered the popular party the ever present and ever hateful oaths, they, with their leader Porter, turned against him. Porter gets the old and the new deputies together, reverses the election of Glover, strikes up a friendship with Cary, who had perhaps promised to accede to their demands, and gets him chosen President of the Council and therefore *ex-officio* Governor, and all this by virtue of the very commission that had removed him from office.¹

Just as was to be expected, Glover and his party refused to recognize Cary as Governor; but the popular party did not cease their efforts, and the result was that the colony enjoyed for a while the tender mercies of rival governments. In this struggle the popular party is not so clearly in the wrong as some historians of the State, most notably Dr. Hawks,² would have us believe. He says that Cary's second election was accomplished by men who were unqualified for the duty, the old deputies having been suspended and the new ones unsworn; but Dr. Hawks forgets that Glover had been elected by the new deputies before they had been sworn; his election was therefore illegal and void and Cary was still Governor *de jure*. The truth is that John Porter was the cleverest politician in all colonial North Carolina. He outwitted the Church party so completely on this occasion that its defenders are still unable to comprehend his policy. The pretended election of Glover was simply intended by the astute politician as a feeler to indicate the true position of the two aspirants for gubernatorial honors toward the great question of the day, the test oaths. No one knew

¹ Col. Rec., I., 709 *et seq.*

² History, II., 510.

better than Porter that under the circumstances the election of Glover was null and void. He soon discovered that Glover was not the friend of the popular party. Cary probably promised to respect their wishes if allowed to retain his office ; this promise was accepted and the last instructions of the Proprietors were ignored.

Some such interpretation as this is necessary to explain the success of the popular party. To say, as Dr. Hawks and Mr. Moore have said, that Glover was deposed, Cary re-elected and supported for three years simply to gratify the *personal spite* of Porter, is to charge the colonists with a cowardly submission to one-man power which they never showed on other occasions, even if that power was exercised by an appointee of the Proprietors or by a Proprietor himself. The question at issue was one of principle, not one of personal likes and dislikes.

The double government continued during 1708. In order to settle the troubles it was resolved to refer the rival claims to the Assembly for decision. Both Cary and Glover issued writs for the election. The Assembly met October 11, 1708, at the house of Capt. John Hacklefield on Little river in Perquimans county. It had twenty-six members ; of these five were sent from each of the four precincts of Albemarle county and two from each of the three precincts of Bath county. Pasquotank and Perquimans precincts sent Cary delegates and so did Bath county, "whose interest it was to stand by Col. Cary, for fear of being called to account for that seditious petition."¹ The popular party had therefore a majority in the Assembly, but, like political parties of to-day, proceeded to further strengthen themselves by seating Cary delegates from Chowan, where Glover delegates had received a majority of the votes cast and had been duly elected. The Assembly organized by electing Edward Moseley speaker. He was now first coming to the front in the political arena, and for the next forty years was destined to play no unimportant

¹ Col. Rec., I., 697 *et seq.*

part in the affairs of the colony. He was a Churchman, but espoused the cause of the popular party with all the ardor of his nature, and throughout all the trying struggle appears as a man far above the level of his surroundings, as one who was able to put aside matters that were personally preferable and temporarily advantageous, for the sake of the good that was to finally come from a broader and more statesmanlike policy. The Lower House was now ready for business. The Upper House was double, for Cary and his council sat in one room, Glover and his council sat in another, while Col. Daniel, who was a landgrave and therefore entitled to a seat in the Upper House, sat first with one claimant and then with the other.¹ The democratic Lower House proceeded to pass an act nullifying the test oaths, and cut the gordian knot by recognizing Cary as President and hence *ex-officio* Governor. Glover protested. He offered to prove (1) that he was lawfully the President of the Council, to him and to no other belonged the execution of the Lords Proprietors' commission; (2) that Cary was not President of the Council and had no lawful power in North Carolina; (3) that if he were to die or were to be removed by the Proprietors, Cary was not qualified to be elected or to exercise the powers of the President. To this protest the Lower House replied curtly that they would not concern themselves with this matter.¹ It is said that both sides appealed to arms. Gordon, the missionary, even tells us that one man had been killed before he left the colony, and therefore before the meeting of the Assembly; but there is very slight evidence to show that there was anything like civil war in the colony at this time. But for a time there was, no doubt, anarchy and confusion. Old John Urmstone, the rum-soaked missionary, says, "for two years and upwards here was no law, no justice, Assembly or courts of judicature, so that people did and said what they list";² but this is only a characteristic outburst of the missionary and is harmless from the historical point of view. The internal

¹ Col. Rec., I., 697 *et seq.*

² *Ibid.*, I., 768.

evidence of the Records indicates that peace was to a great extent restored and that the Proprietors recognized the government of Cary; but the popular party made use of their power to persecute their opponents. Some of these, among them Glover, and Thomas Pollock, his staunchest supporter, found it expedient to remove to the neighboring confines of Virginia, as they were altogether too patriotic to live under a government which they knew to be "altogether illegal."¹

The arrival of Edward Hyde in North Carolina during the summer of 1710² promised to settle the matters in dispute, but at the cost of restoring the Church party to power and reëstablishing the Church of England. Hyde had been sent out by Col. Edward Tynte, then Governor-General of Carolina; but owing to the death of Tynte he had no commission and could get none. Private letters in his possession went to substantiate his claims, however, and it seems that all parties being anxious to bring their internal quarrels to an end and to restore harmony on all sides, united in a petition to him to assume the duties of President of the Council until his commission should arrive.³ Hyde assumed the duties of President late in 1710. In July of the next year the Proprietors recommended that he be made "Governor of the North Part of Carolina." By virtue of the commission which followed this recommendation Hyde became in name the first Governor of North Carolina.⁴

Soon after becoming President, Hyde issued writs for an Assembly. It met in March, 1711.⁵ The Church party was now again in power, and the opportunity for vengeance thus given them was more than they could resist. They proceeded to pass acts "wherein," remarks Gov. Spotswood, "it must be confessed they showed more their resentment of their ill usage during Mr. Cary's usurpation (as they call it) than their prudence to reconcile the distractions of the coun-

¹ Col. Rec., I., 731.

² *Ibid.*, I., 731, 737, 779.

³ *Ibid.*, I., 780, 785.

⁴ *Ibid.*, I., 775.

⁵ *Ibid.*, I., 806.

try,"¹ and to make such laws as not even the Proprietors could approve. They enacted a sedition law by which all persons guilty of "seditious words or speeches" or "scurri-
lous libels" against the then existing government were to be punished by "fine, imprisonment, pillory or otherwise at the discretion of the justices of the general court." The criminal was furthermore required to give security for good behavior "during the court's pleasure," and to be incapable of holding any place of trust for three years.² The act aimed a direct blow at the Quakers by providing a fine of £100 on all officers who refused to qualify themselves "according to the strictness of the laws in Great Britain now in force."³ It also provided that "all such laws made for the establishment of the Church" as well as the laws "granting indulgences to Protestant dissenters . . . are and shall be in force." In another act it was provided that Col. Cary should be compelled to give an account of the funds then in his hands belonging to the Proprietors and which he had refused to pay out for the subsistence of the Palatines according to their order; that Edward Moseley should give security in the sum of £500 for the repayment of fees said to have been illegally extorted by him; and lastly, all suits, judgments, proceedings and levies made between July 24, 1708—the time of the second election of Cary—and January 22, 1711, were declared null and void.³

Besides passing a Sedition Act, bringing Cary and Moseley into custody for alleged misappropriation of funds, and disfranchising the Quakers through the requirements of the Test Act, this Assembly undertook to promote the cause of religion and morality by passing an act for the establishment of the Church. The act itself has not come down to us, but its provisions have been preserved in a letter of John Urmstone to the Society for the Propagation of the Gospel on the 7th of

¹ Col. Rec., I., 780.

² *Ibid.*, I., 787 *et seq.*, where the act is given.

³ *Ibid.*, I., 791 *et seq.*

July, 1711, in which he says: "I . . . did all I could both in public and private discourse to excite them to use their endeavors to establish the Church; accordingly they made a very good and proper act to that end, which was to this effect, that the worship of God and our most holy religion as by law established in England should be put in practice and observed here in all particulars as far forth as is compatible with the circumstances of the people. A select vestry of twelve men in every precinct or parish was thereby appointed; all the Burgesses were made members thereof. These bound in a penalty to meet in their several parishes on a certain day within six weeks after the publication of the act to choose churchwardens, give them power to buy a glebe, build a church or churches, as there was occasion houses for ministers, provide a sufficient maintenance for them, and to use their utmost to provide that every parish might be supplied with a clergyman, approved of, allowed, by the Lord Bishop of London."¹ We shall see that these laws caused more trouble immediately.

Matters had been in a fair way for settlement just after the coming of Hyde, for "his great candor and graceful behavior so far prevailed with the best and the awful respect to his family and interests" so overawed others that Col. Cary found himself almost deserted² and himself joined in the common petition to Hyde to assume the government.³ But the malignity and severity of the new laws aroused the people; Cary again found himself at the head of the popular party and determined to resist the execution of the laws. He so fortified his house "with guns and other warlike stores" that "when the government had taken a resolution to apprehend him they found it impracticable."³ He became aggressive; he fitted out a brigantine of six guns and went to attack Hyde and his Council, threatening to reenact in North Carolina the bloody scenes recently witnessed in Antigua,⁴ where

¹Col. Rec., I., 769.

²*Ibid.*, I., 785.

³*Ibid.*, I., 780.

⁴*Ibid.*, I., 782, 795.

Governor Parke, who had acted as a ruthless tyrant for three years, was torn in pieces by an infuriated mob and fed to wild beasts. Such a threat did not create a very pleasing impression in the gubernatorial circles of North Carolina and Virginia, and Governor Spotswood offered his mediation.¹ Each side seemed afraid of the other; hostilities continued, and on June 30, Cary, unterrified by any "awful reverence" of family, attempted to capture Governor Hyde.² Spotswood thereupon interfered in behalf of the established government. He sent a body of marines to the scene of disturbance, and the presence of English troops "frightened the rebellious party so as to lay down their arms and disperse."³

Thus ended the "Cary rebellion," July, 1711. Some of the leaders fled to Virginia, where a proclamation was issued ordering that Thomas Cary, John Porter, Edmund Porter, Emanuel Lowe and Nevil Lowe his son, Richard Roach and others be seized and held in a bond of £500 each.⁴ Thomas Cary, Levi Truehit, Challingwood Ward, George Lumley, Edmund Porter were seized in Virginia and hurried off to England before the authorities in North Carolina had had time to collect their evidence.⁵ This evidence does not seem to have been forwarded, and in May, 1713, Col. Cary again arrived in North Carolina.⁶ In the same year the government received curt instructions from the Queen to send no more prisoners to England for trial "without good proof first made of their crimes and that proof transmitted along with the prisoner."⁷ The government had already received instructions to suspend persecution against the popular party until a commissioner appointed to investigate the troubles should arrive from England,⁸ and when this persecution ceased the troubles came to an end.

The evil effects of the "Cary rebellion" were many and long-continued. It had been an unsuccessful struggle against oppression in Church and State; the people when

¹ Col. Rec., I., 780.

² *Ibid.*, I., 782, 802.

³ *Ibid.*, I., 800.

⁴ *Ibid.*, I., 776.

⁵ *Ibid.*, I., 806, 807.

⁶ *Ibid.*, II., 46, 53.

⁷ *Ibid.*, II., 63.

⁸ *Ibid.*, II., 53.

they emerged from it were naturally stubborn and apathetic toward a government which did not have their confidence or respect and which in turn said that they were "unreasonable and ungovernable." The popular party had been beaten by the other side; they submitted, but with sullen stubbornness. For their part, the Churchmen found no terms too vile to apply to their opponents. They called them rebels, "Quakers, atheists and deists,"² and all these terms seem to have been with them very nearly identical in meaning. They accused them of instigating the horrible Indian massacre of September, 1711. In regard to this unfortunate occurrence Gov. Spotswood says in his most insinuating way that Cary "threatened to bring down the Tuscarora Indians to his assistance," and that "Mr. Porter, one of Cary's pretended Council, was with the Tuscarora Indians endeavoring by promises of great rewards to engage them to cut off all the inhabitants of that part of Carolina that adhered to Mr. Hyde."³ He says in another place that "several affidavits" had been sent to him to prove that Porter had promised the Indians "great rewards" to cut off Hyde's adherents.⁴ The charge that the adherents of Cary incited the Tuscaroras is preposterous; there is no evidence to support the *ipse dixit* of the Church party. But while such a charge is contrary to reason, it has been accepted as the real motive of the Indian uprising by at least one historian of the State. Dr. Hawks has no love for the popular party in the "Cary rebellion," nor for its leaders. Here he has ceased to hold the position of the careful, critical, historical investigator and has chosen instead the sphere of an advocate. He was doubtless influenced to take this position by his excessive devotion to Pollock, the right-hand man of Glover, the champion of the Establishment and the steady opponent of the extension of popular liberty. The Tuscarora war followed the internal dissensions of the colony, *post hoc, ergo propter hoc*.

¹ Col. Rec., I., 881.² Pollock to Hyde, *Ibid.*, I., 731.³ Col. Rec., I., 782 *et seq.*⁴ *Ibid.*, I., 796.

The true reason for the war is to be found in the steady encroachments of the whites on the lands of the Indians. These were being driven steadily westward; they saw that they must soon give up the hunting grounds of their fathers to the white man; they were irritated beyond measure; they saw that the colony was now weak and helpless through divisions, enmities and hostilities among themselves; they saw that the time had come for them to strike: the result was war. It was because they summarized in John Lawson, the historian and surveyor-general of the colony, all the evils which they had suffered that they put him to death. They mistook him for a cause, while he had been only an agent. That they were not instigated to their attack by any faction is shown by the absolute impartiality with which they slaughtered all settlers exposed to them. The Palatines at New Bern suffered heavily although they had taken no part in the Cary troubles and had arrived after these troubles had been partly settled. The people of Bath county had been attached to the cause of Col. Cary, as we have seen, but still they were among the heaviest sufferers. Is it reasonable to suppose that even the "Quakers, atheists and deists" of North Carolina would have incited the savages to murder their own followers? The outlying settlements along the Neuse and Roanoke suffered heavily. These were composed largely of members of the Church party, but the inhabitants in Chowan did not suffer although some of the Tuscaroras were living in Bertie and had all opportunities for attacking them. Nor were the Churchmen troubled in Currituck, although there were Indians in that section who might have been "excited." The fact that the savages spared neither age nor sex and made all their attacks on outlying settlements regardless of the side the settlers took in the politics of the day, must forever belie the claims of Spotswood and his followers that they were instigated to the slaughter by Cary and his partisans.

In a subsequent paper the writer hopes to continue his account of the growth of the Established and of the Dissenting churches. He will show that in 1730 the government undertook to enforce in North Carolina the atrocious Schism Act, which had been repealed in England as early as 1718; that Dissenting clergymen were denied for years the privilege of performing the marriage ceremony; that this was finally granted them only under burdensome restrictions, and that during the whole of the colonial period the Dissenting population was steadily exploited in favor of the Establishment. He will also trace the development of that spirit of opposition to an Establishment which was to culminate in the Declaration of Rights and in the State Constitution of 1776, in the first amendment to the Federal Constitution in 1789, and in the final triumph of absolute religious freedom by the removal in 1835 of the ban placed on Roman Catholics by the State Constitution in 1776.

SOURCES OF INFORMATION ON THE RELIGIOUS DEVELOPMENT IN NORTH CAROLINA.

The chief source of information for the colonial history of North Carolina is the Colonial Records of North Carolina, (10 volumes, quarto, Raleigh, 1886-1890), edited by Hon. William L. Saunders, Secretary of State for North Carolina, who brought to his work great love and a tireless energy. But while full on the political and social side, the Records are meagre on the religious side. Besides extracts from Edmundson and Fox there is nothing prior to 1701, when the minutes of the Vestry of St. Paul's Parish, Chowan precinct, and the minutes of the Friends' Monthly Meetings in Pasquotank precinct begin, the latter being, according to the editor, the earliest records of the Friends. This is an error. Manuscript records of Monthly Meetings going back to 1680 are now in possession of Josiah Nicholson, Esq., of Belvidere, Perquimans county, and were used in the preparation of this paper. Other manuscript records representing the work of the Yearly, Quarterly and Monthly Meetings, and going back almost to 1700, are now at Guilford College, North Carolina, but some of these were seriously damaged by the burning of one of the college buildings a few years ago. The parts of the journals of Edmundson and Fox relating to North Carolina are reprinted in Colonial Records, vol. I. Other Quaker missionaries visited the colony and their journals have been of service, as Thomas Chalkley (New York, 1808), James Dickenson (Philadelphia, 1848), Thomas Story (London, 1786), and Thomas Wilson (London, 1784). Later and excellent accounts of the growth and development of the Friends in North Carolina are to be found in Bowden's History of the Society of Friends in America (London, 1850) and in Janney's History of the Religious Society of Friends (Philadelphia, 1867).

In 1704 the voluminous correspondence of the missionaries of the S. P. G. begins, and is to be found in the Colonial Records. Dr. Charles Lee Smith, in his *History of Education in North Carolina* (Washington, 1888), has shown the value of these missionaries as school-teachers, and in the *Trinity (N. C.) Archive* for October, 1891, Dr. Stephen B. Weeks points out their work as the founders of the first public libraries.

The best short accounts of the settlement and growth of the colony of North Carolina, and the most reliable ones, are those by Bancroft (*History U. S.*) and by Prof. William J. Rivers in the *Narrative and Critical History of America* (Vol. V., Chap. V.). Caruthers, in his *Life of David Caldwell* (Greensboro, N. C., 1842), gives an account of church matters which is based on Martin. Rev. L. C. Vass, in his *History of the Presbyterian Church in New Bern* (Richmond, 1886), gives a *résumé* of early ecclesiastical affairs in Eastern North Carolina. The religious development is touched by the historians of the State in course. The fullest account is that of Dr. Hawks, who devotes a chapter to "Religion and Learning" (Vol. II., 291-370, Fayetteville, N. C., 1858), and reprints some original documents. But Dr. Hawks is a thorough Churchman; he has no sympathy for the Dissenters, and the popular party in the "Cary Rebellion" is handled very roughly. This part of his work, so far as it relates to Edward Moseley and John Porter, has been ably answered by Hon. George Davis in *A Study in Colonial History* (Wilmington (N. C.), 1880). Capt. Samuel A. Ashe, in *A Chapter of North Carolina History Revised* (*News and Observer*, December 31, 1886, and reprinted), defends the leaders in the "Cary Rebellion" against the aspersions of Dr. Hawks, but finds the chief trouble to have been the oath of allegiance.

In the *North Carolina University Magazine*, IX., p. 159 (1889-90), Hon. William H. Bailey discusses The State of Religion in the Province of North Carolina. The subject

of religion is but scantily treated in the latest history of the State by Maj. John W. Moore (2 vols., Raleigh, 1880). The latest contribution to this field is *Sketches of Church History in North Carolina*, a series of papers read before the joint Convention of the Dioceses of North Carolina and East Carolina in Tarboro in 1890, which has just appeared.

VII

Maryland's Attitude in the
Struggle for Canada

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History.—*Freeman*

TENTH SERIES

VII

Maryland's Attitude in the
Struggle for Canada

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BALTIMORE
THE JOHNS HOPKINS PRESS
PUBLISHED MONTHLY
July, 1892

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THE FRIEDENWALD CO., PRINTERS,
BALTIMORE.

P R E F A C E .

This paper is a study of the attitude of Maryland in the French and Indian War. Maryland failed to do her duty in that great international struggle between the French and English for the possession of North America, and it was chiefly due, first, to the narrow and niggardly policy of the Provincial Assembly, and secondly, to the dissensions of the Province with the Proprietary government for the purpose of limiting and, perhaps, overthrowing Proprietary rule. The recent publication of portions of the Maryland Archives, under the able editorship of Dr. William Hand Browne, has rendered interesting parts of the history of Maryland accessible to students. The Sharpe Correspondence (Vols. I. and II.) covers the period from 1753 to 1761. It contains much valuable information regarding Maryland's policy during the French and Indian War, and helps to explain the motives of her peculiar conduct. It has been my purpose in this paper, therefore, to present briefly the results of a study of the Sharpe Correspondence and the Proceedings of the Assembly during these years, for the purpose of throwing new light upon Maryland politics at that time. Since Maryland's behavior was due largely to disputes with the Proprietary, I have attempted to trace each dispute from its origin, in order to arrive at a correct understanding of the controversies of the time. We shall find that out of what was really a derelict and obstructive policy developed a commendable spirit of resistance in 1765, which led finally to independence. The sources that have been most serviceable to me in this study are:—Archives of Maryland: Corre-

spondence of Governor Sharpe, Vols. I. and II.; Assembly Proceedings, first three volumes of Archives, and especially the Journals of the Lower House between 1753-1758; Council Proceedings, 1692-1694; Bacon, Laws of Maryland, 1637-1765; Pennsylvania Colonial Records, Vols. VI. and VII.; Dinwiddie Papers, being Vols. III. and IV. of Virginia Historical Society Collections; Franklin's works, and other authorities, references to which are made in the foot-notes.

J. W. B.

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MARYLAND'S ATTITUDE IN THE STRUGGLE FOR CANADA.

CHAPTER I.

INTRODUCTION.

The French and Indian War in America began in 1754 and continued until 1760, when Canada fell into the hands of the English. The French were successful for the first four years of the war, and the frontiers of Virginia, Maryland and Pennsylvania were at the mercy of the enemy during that time. The length of the struggle surprises one; certainly the English were stronger than the French in numbers and resources, and might have repelled the aggressions of the French in America by one or two decisive blows. It is true that England did not lend a helping hand in this colonial war until 1755, and at first sent out several inefficient commanders, but the chief cause of ill-fortune was the failure of the colonies to coöperate with one another and with Great Britain. While the colonies were organizing or trying to organize, the French were advancing under good leadership and encircling their opponents.

To a Marylander studying this period the following question suggests itself: How did my State behave? Certainly Maryland's welfare, indeed her very existence, was at stake; did she do her duty? These questions will be discussed in the following paper.

Maryland and Pennsylvania were the only colonies that remained under the Proprietary form of government down to

the Revolution. Maryland's charter was a very liberal one ; it gave large and extensive powers to the Proprietary, while at the same time it guaranteed the freemen of the province a voice in the laws by which they were to be governed ; further, it contained one important and significant provision, namely, that no "imposition, custom or other taxation, rate, or contribution whatsoever" should be laid upon the province. Maryland was thus secured by the terms of her charter from an imposition of any kind on the part of Great Britain. Before the middle of the eighteenth century the colonies, particularly the Southern and Middle colonies, acted independently of each other in affairs of common concern, such as defense against the Indians. A union of all the colonies for their common defense had more than once been suggested, and efforts leading to that end were made from time to time. New England, for many reasons, physical and otherwise, was the first center of this movement, but the nearest approach to a general union was that suggested by the Albany convention of 1754. Indeed, down to this time the colonies had been unwilling to sacrifice any of their privileges for the sake of union, but with the progress of the war this feeling changed ; as they saw their welfare threatened and their rights invaded, a sense of common interest impelled them to stand shoulder to shoulder in defending their territory. It proved a valuable lesson to them, for they received their training for the great conflict, so little anticipated, yet so soon to come. The Stamp Act cemented the confederation which the French and Indian War had begun.

The year 1751 marked the accession of Frederick, sixth Baron of Baltimore, as Lord Proprietary of Maryland. He was an unworthy scion of his ancestors, George and Cecilius Calvert. We find very few letters from Frederick among Gov. Sharpe's correspondence, and these are brief. He always appeared indifferent to the needs and welfare of his province, caring only for what he could get out of it, and his principal instructions to Sharpe were to see to the prompt

collection of his revenue and to promote the interests of certain persons designated by him.¹

In 1753 Horatio Sharpe became Governor of Maryland, and continued in that office until 1769, occupying a position by no means enviable in these troublous times. The Governor was the intermediary between the Proprietary and the people. He was forced to obey the instructions of the Proprietor, and was usually regarded with undeserved dislike and suspicion by the Assembly for doing his duty. Sharpe steadily followed the difficult path of duty, however, better than most men in a like station. He was zealous in his efforts to carry out the instructions of the Crown, of the Proprietary, whose sworn deputy he was, and at the same time to appease the Assembly. Sharpe did all he could to arouse the Assembly to a sense of their danger, and engaged actively in raising troops and supplies for the service. He was constantly meditating on some expedient to overcome the obstinacy of the burgesses, sometimes suggesting that a poll-tax or stamp-tax be imposed, or that Parliament should take measures compelling the colonies to contribute their quotas. Sharpe even advanced from his own pocket bounty money which was used to enlist volunteers for frontier service. Subsequent history shows that his courage and fidelity to the trusts imposed on him were rightly respected.

The population of Maryland in 1756, as given by Sharpe in a report to the Lords of Trade, was 107,963 white and 46,225 black inhabitants, and of the former, Sharpe estimates that 26,000 were able to bear arms, all exemptions considered.² The militia of the province numbered 16,500, one-third of these being destitute of arms and the rest but poorly equipped. Another source of anxiety to Sharpe was his ill success in securing the passage of a good militia law by the Assembly, for the people were poorly armed, undisciplined, and could not be compelled to serve. As Sharpe said, there was nothing

¹ *Vide* Sharpe Cor. I. (Archives of Md.), 1753-1757, pp. 206, 127.

² Sharpe Correspondence, I., 353.

in Maryland deserving the name of fortification; Fort Cumberland was probably the nearest approach to it, but this was too far off in the wilderness to be of any great service. The military defenses of Maryland were in a very precarious state; she was fourth or fifth in strength among the colonies, but this strength was unorganized, and the territory of the province was, as said before, at the mercy of the enemy.

Let us look briefly at the attitude of the province toward its government. In the beginning the Proprietary was everything to the colony; but by successive steps the Assembly acquired privileges that belonged to the Lord Proprietor and made itself the real governing body of the province. Though large powers were given to the Lord Proprietor, the terms of the charter provided for the participation of the colonists in the legislative functions, the Crown having no direct supervision over the colony. To Lord Baltimore and his heirs, as Proprietors of Maryland, was granted the power to make laws for the province "by and with the advice, assent, and approbation of the said province, or the greatest part of them, or of their delegates or deputies." At first, the Lord Proprietary took the initiative in proposing legislation; the laws proposed were ratified or rejected at a mass-meeting of the freemen of the province. It was only a short time, however, till representative government developed. After 1638 the Provincial Assembly holds the initiative in legislation; to the Proprietary is left the veto power only. By an act passed at this session, provision was made for the election of delegates to the House of Burgesses, this body to consist of representatives elected by the freemen of each hundred, together with members of the Council, Lords of Manors, and any other "gentleman" summoned by special writ of the Proprietor.¹ In April, 1650, the Assembly met in two distinct branches; the Governor and his Council forming the Upper House, and the Burgesses the Lower House.² The Delegates, or Bur-

¹ Maryland Archives, Assembly Proceedings, 1637-1664, pp. 74, 75, 81, 82.

² *Ibid.*, p. 272.

gesses, were the elective representatives of the people; the Council, which formed the Upper House, represented the Lord Proprietor, and its members were summoned by special writs. They were the advisers of the executive, and at the same time formed one branch of the legislature. Frequent wrangling resulted between these two branches of the legislature, the one being the protector of the liberties of the people; the other, the conservative defenders of their lord's prerogatives. The popular branch continually gained ground at the expense of the prerogatives of the Lord Proprietary,¹ and by 1650 the Lower House had secured firm control of legislation in Maryland. This is evidenced by an act passed in that year, whereby it was enacted that "no Subsidies, ayde, Customes, taxes, or impositions shall hereafter bee layd assessed, leavyed or imposed upon the freemen of this Province or on theire Merchandize Goods or Chattles without the Consent and Approbation of the freemen of this Province their Deputies or the Major parte of them, first had and declared in a General Assembly of this Province."² In 1689 the Lord Proprietor lost his political rights in the province and Maryland became and remained a Crown colony till 1715. During this time Proprietary government lost much of its prestige, and the revenues which Lord Baltimore was still allowed to enjoy were attacked by the Assembly. Those of a public nature it desired to transfer to the Crown, to be used for the support of the province. The volume of legislation increases largely at this time, and we notice that laws were only made by the Assembly for short periods; old laws were continually repealed and reënacted; in this way the Assembly managed to keep a secure hold upon the government of the province. Besides they enacted against the Catholics severe laws, which gave offense to a large

¹An act of 1638 declared that a General Assembly of "Freemen of the Province" should have "like power priveledges authority and Jurisdiction . . . as the house of Commons within the Realm of England" . . . Assembly Proceedings, 1638-1664, p. 75.

²Assembly Proceedings, 1650, p. 302.

element of the population. It is true this was the looked for result of Protestant ascendancy and narrow-minded legislation; but it was opposed to the spirit of the Proprietary government, and rebuked the liberal policy of the Lords Proprietors.

By the time the Proprietary government was restored, in 1715, Maryland had almost learned to do without it; neither did its restoration give rise to any marked joy or loyalty on the part of the people, nor did it regain its former political status. From now until the French and Indian War we note the increasing dissensions between the Assembly and the Proprietary; many of the privileges of the latter were gradually and imperceptibly slipping away. In 1739, during Governor Ogle's administration, an attack was begun upon the revenues of the Proprietary, and was only concluded by the overthrow of the Proprietary government itself. This leads us to an explanation of the causes that underlay the conduct of Maryland during that war. The Lower House had become the mainspring of the provincial government; it assumed the protection of the liberties of its constituents, endeavored to make laws for the people and not for the Proprietor, and not only defended their rights and privileges from any encroachment by the Proprietary, but in turn encroached upon the prerogatives of that government. The Assembly now saw and decided to take advantage of a favorable opportunity to wrest from Proprietary rule in Maryland the last vestiges of its power.

CHAPTER II.

FRENCH AND INDIAN WAR.

That the events which follow may be clearly understood, it will be advisable, first, to give a brief sketch of the early period of the French and Indian War, pointing out the part played by Maryland.

The French and Indian War was a struggle between two great nations for the possession of the North American Continent. Every colony was deeply concerned in the issue of the contest. The French were the first to explore the Mississippi valley, several expeditions being made in the latter part of the seventeenth century. The claims of the English, of course, were based on the discoveries of the Cabots, Raleigh, Gilbert and others, and the colonial charters vaguely describe the grants to the colonies as extending westward to the "South Sea" or extending between two parallels of latitude "from sea to sea."¹ The old grudges between France and England were thus carried to America, and the most hostile feelings existed between the two all through the eighteenth century, especially from the peace of Utrecht, 1713. Toward the middle of the century each of the two nations made haste to occupy as much territory as possible. A collision could not long be avoided. The French asserted their sovereignty to the territory west of the Alleghanies, and strove to carry out the gigantic scheme of connecting Canada and the great lakes with Louisiana and the Gulf of Mexico by a cordon of fortified posts for the purpose of hemming in the English colonies and preventing their expansion toward the west. It was their steady advance in realizing this idea that so terrified the colonists.

¹ Charters of Va. and Mass. Dinwiddie Papers, Vol. I., 381.

The conflict was precipitated by the formation of the Ohio Company (1748), which was organized by a party of Virginians; to them was given a grant of 500,000 acres on the Ohio river, chiefly to the north of it and between the Monongahela and Kanawha. Their purpose was trade with the Indians, and in return for the privileges given them they agreed to induce migration thither and build a fort to protect the settlement. The French took active steps to repel this advance of the English into disputed territory, and occupied the Ohio valley with their forces at once. As this was a direct attack upon Virginia land, Gov. Dinwiddie made preparations to oppose it, and duly informed the Lords of Trade of their encroachments, their apparent designs, and the alarm that existed among the colonists. Some supplies were sent him, and at the same time it was suggested that the various Assemblies of the colonies should send representatives to a common meeting-place for the purpose of making a treaty with the Six Nations¹ and providing measures for defense. Gov. Sharpe of Maryland received a letter² from Lord Holdernessee, Secretary of State, warning him of the approaching hostilities of the French and Indians on the western frontier, urging him to be on the alert, to put himself in close communication with other Governors, and when occasion demanded it, to convene his Assembly and to bring before it the necessity of mutual assistance and coöperation. The same communication was sent to all the provincial governors, and from this time on Maryland was constantly appealed to by Virginia and the British government. In October, 1753, Gov. Dinwiddie sent Major George Washington to the commander of the French forces on the Ohio, "to know his reasons for his invading His Majesty of Great Britain's Dominions."³ The mission of Washington proved unsuccessful, and Gov. Dinwiddie then began active prepar-

¹ The famous Indian Confederacy of Western New York.

² Sharpe Correspondence, I., 3, 4.

³ *Ibid.*, I., 10. Dinwiddie Papers, I., 49, note.

ations for defense. In this, however, he met with considerable opposition from his own Assembly, and secured a vote of supplies with difficulty. He was much embarrassed in his plans, and as the exigencies of the times called for coöperation on the part of the governors of the colonies, he sent letters to them, in which he recounted the results of Washington's mission, the strength and designs of the French, and asked immediate aid.¹ In April, 1754, hostilities began with the capture by the French of an English fort which Gov. Dinwiddie had ordered to be built at the junction of the Alleghany and Monongahela rivers, and which the conquerors strengthened considerably and named Fort Duquesne, after the Governor of Canada.² Dinwiddie's energies were fruitless for the time, and he complained bitterly of the lack of help; in a letter to James Abercromby, agent of Virginia at London, after passing a compliment upon the behavior of North Carolina, he writes,—“Maryland and Pennsylvania, two Proprietary governments, do nothing, though equally concerned and more exposed than this dominion. . . . This is an affair of the greatest consequence to the Nation and the Colonies on this Continent.”³ In the meantime, a body of Virginia militia, with Washington second in command, had been sent by Gov. Dinwiddie to protest against the proceedings of the French commander, Contrecoeur, and on the march learned that the fort had been taken. Washington defeated a party of French under de Jumonville in a preliminary skirmish; but a large force were now advancing from Fort Duquesne to attack the English, and Washington, who had succeeded to the chief command, fell back to Great Meadows, on a branch of the Youghiogeny, where he awaited the enemy. Here he hastily erected rude defenses, and gave them, from the nature of the occasion, the name of Fort Necessity. Washington, however, was unable to with-

¹ Dinwiddie Papers, I., 61-73.

² Fully treated in Sharpe Correspondence, I., 197.

³ Dinwiddie Papers, I., 211.

stand the superior numbers of the French, and therefore surrendered (July 3, 1754). This he did upon honorable terms and returned to Virginia.¹

Meantime, in accordance with the suggestions of the Board of Trade, a general convention was held at Albany, June 19, 1754, and commissioners were present from seven colonies. Maryland was among this number, but it was with difficulty that Sharpe prevailed on the Assembly to provide for the commissioners appointed by the Governor and to vote a purse of £500 as a present to the Six Indian Nations, and in reference to his proposition that they aid Virginia Sharpe writes: "So insuperably indifferent or perverse were they that all they consulted was how to save appearances and seem to be disposed to encourage that important enterprise."² The purposes of the convention were, first, to make a treaty with the Six Nations; and secondly, to form a plan of concerted action among the colonies to drive away the French. The Indians were appeased with presents. The second object was then taken up and debated, and a union of all the colonies was declared necessary. A plan, devised by Franklin, was proposed and adopted.³ This plan, however, provided for a perpetual union, which was certainly premature, and Maryland for one was not prepared to favor it; in consequence, her Assembly rejected it by the unanimous vote of its members. Nevertheless, this step toward uniting the colonies into one government was very significant, for it was the forerunner of confederation. The Albany congress made no preparations for defense, but decided to await the action of Parliament upon the scheme for union which had been proposed. The surrender of Washington, July 3, 1754, caused considerable alarm to the Southern provinces, and the gov-

¹ For terms of the capitulation of Washington *vide* Sharpe Cor. I., 78-79 (extract from Calvert Papers).

² Sharpe Correspondence, I., 69.

³ Franklin's plan and comments: *vide* H. W. Preston, "Documents illustrative of American History," pp. 170-187.

ernors bestirred themselves to raise men and supplies. Gov. Dinwiddie again complains: "What a poor situation am I in, in executing the commands of his majesty; no assistance from the neighboring colonies; Maryland and Pennsylvania so obstinate as not to grant any supplies whatever."¹ He said that Virginia was not able to bear the burden of the war alone, and had already suggested on June 18, 1754, that Parliament compel each colony to raise a proportionate quota of the general fund. This proposition was repeatedly made by him to the Secretary of State and Board of Trade. He writes: "The intolerable obstinacy of our neighboring colonies and their disobedience to His Majesty's commands is not to be paralleled in history; if they had entered heartily into the affair, I am assured the French at this day would have been drove off the Ohio, and I am of (the) opinion, nothing will bring them to their duty but a general Poll Tax of 2s. 6d. sterling, by a British Act of Parliament."² However, Maryland, whose frontier was exposed to the enemy, with no defenses to hinder their advance, was sufficiently aroused to a sense of her danger to vote (February 25, 1754) a supply of £6000, to be appropriated to the aid of Virginia; but this grant was conditional upon the yielding of certain concessions by the Proprietary government. The Maryland Assembly was still as "obstinate" as ever.

The English government, aroused by the imminence of the danger, made preparations to take an active part in the campaign. They deemed it necessary to send out a general officer to take command, for it was thought that Sharpe and the other colonial governors would have all they could do to enlist men and secure funds from their Assemblies. A land expedition against Fort Duquesne and a naval expedition in North American waters were determined upon; and General Edward Braddock was ordered to America with two regiments to take command of the land forces in America.

In the meantime, Governor Sharpe, who had had military

¹ Dinwiddie Papers, I., 253.

² *Ibid.*, I., 254.

experience, was appointed to the chief command, with the rank of lieutenant-colonel, for Maryland was looked upon as a good center from which to operate against the French.¹ He was in a state of constant anxiety, but did his best to raise forces and obtain supplies with which to carry out his instructions as commander-in-chief. But Sharpe by no means received the encouragement he had hoped, and therefore could not expect to execute his commission "with any great éclat"; "I wish I may be able to do it," he says, "with some small reputation."² His appointment, however, was only a temporary one, and he was superseded by Braddock upon the latter's arrival on February 20, 1755. The reception General Braddock met was far from encouraging.

Sharpe brooded constantly upon some remedy for the perverseness of colonial Assemblies. He echoed the views of Governor Dinwiddie and others as to the proper method of securing the coöperation of the colonies, and suggested to Cecilius Calvert, uncle and secretary of Frederick, Lord Baltimore, September 15, 1754, that if it were thought proper to bring in a bill in Parliament to compel the colonial governments to contribute their quotas, one of the following ways might be proposed to raise the funds: 1. By imposing a poll tax; or, 2. By a duty on the importation of spirituous liquors; or, 3. By a stamp duty—on deeds and writings. "These hints," he says, "I have taken the liberty to submit to you in case the British Legislature should think proper to interfere in this American contention more than it has hitherto done."³ This gives evidence of the extremities to which the governors were driven, but radical measures were not attempted by England, and indeed it is doubtful if they could have been enforced. Governor Sharpe lived to see his suggestion tried and fail. The English government resorted to the more prudent but less imperative method of Crown requisitions. It was expected

¹ Sharpe's commission, *vide* Sharpe Cor. I., 73-74 (July, 1754).

² Sharpe Correspondence, I., 110. ³ *Ibid.*, I., 99.

that the raising, subsisting and quartering of troops raised in a province should be provided for by that province, but that affairs of more general concern should be paid for out of a "common fund,"¹ to be established for the benefit of all the colonies, collectively, in North America. And it seems to have been the intention of Great Britain to form a plan for the general union of the colonies for defense, for it was mentioned in a letter from Sir Thomas Robinson, Secretary of State, to Gov. Sharpe,² and Gov. Morris, of Pennsylvania, wrote³ to Sharpe that he had received hints from England that a plan of union for military purposes was under the consideration of the ministry. No such measures were put into effect, however; union could not be forced upon the colonies in accord with the dictates of Parliament,—it had to come from within.

During this period of their history the lack of unity among the colonies in facing a danger which menaced them all alike was very marked; but in one thing there seemed to be considerable unity, and that was the almost universal resistance which the colonial Assemblies offered to their governors when attempting to carry out their instructions. We see this even among the New England colonies, but especially south of New York, so that Gov. Sharpe, in the autumn of 1754, said that by this time he had learned "not to entertain very sanguine hopes of the resolutions of American Assemblies."⁴ Their professions of regard for his Majesty's interests were loyal enough, and supply bills were freely presented; but the fact is, all the Assemblies looked upon this as a good opportunity to establish the liberties of the commonwealths on a firmer basis, and hence, when voting supplies, they attached to their bills objectionable clauses, sought to wrest important concessions from their rulers, and gain

¹ Sharpe Correspondence, I., 108.

² October 26, 1754.

³ December 3, 1754.

⁴ Sharpe Correspondence, I., 109.

for themselves complete self-government. Of course, these objectionable bills the governors were obliged to veto in the interest of their proprietors, or the English government itself; and Sharpe complained that they "endeavored to cast an odium on their respective governors by laying them under the necessity of rejecting such bills as were presented them."

However, when the alarm in the Ohio Valley became more general and the war assumed greater proportions, New England came forward and contributed her share; New York lent liberal aid; New Jersey seemed to partake of the infection that possessed Pennsylvania and refused to do anything; "they seem to have had nothing else in view at their meetings," says Sharpe, "but to show the greatest disregard of and contempt for the old gentleman's recommendations"¹ (referring to Gov. Belcher). Virginia had contributed £10,000 and soon afterward £20,000 more, and Maryland had contributed £6000 besides the £500 given to the Six Nations.

Maryland had constantly before her the example of her sister Proprietary colony, Pennsylvania;² Sharpe was continually expressing fears that the obstinacy of the Pennsylvania Assembly would have an influence upon that of Maryland, and subsequent events prove that the latter was inclined to be subservient to the policy maintained by the former. The terror of the inhabitants on the western frontier was very great; the Indians made many incursions upon Maryland and Virginia soil, killing a number of families and destroying their property. This occasioned great alarm and many of the people in the western part of the province abandoned their homes; such was the state of affairs until the arrival of Braddock raised their hopes. Fort Cumberland was the only protection which the western inhabitants had, and this was inadequate; small forces only could be raised for the defense of

¹ Sharpe Correspondence, I., 110.

² Pennsylvania's influence on Maryland, see below, ch. III., sec. 5.

the frontier. On April 14, 1755, General Braddock met the colonial governors¹ at Alexandria, and a plan of operations was agreed upon, Braddock hoping to enlist the active sympathies of the colonies. In this, however, he was to be disappointed. The Assembly of Maryland was again called to vote a supply, but Sharpe was able to do nothing with them. The deaths of twenty-six of the "distant inhabitants," as a result of the encroachments and devastations of the French and their savage allies, had no effect upon the Assembly, for they "set nothing in competition with the points for which they were contending," and, says Gov. Sharpe, "the lives and safeties of the people must submit to their caprice and humour." He was obliged to prorogue the Assembly until the following year, for they refused to do anything, except upon their own conditions. Braddock was much incensed at the cold reception which he received from the provincial Assemblies, and was highly displeased that no common fund was provided for his disposal in prosecuting the war. He communicated with the governors, Sharpe among the number, stating his expectations and the quota which each should furnish. Sharpe again proposed a poll tax, and urged, besides, that the power to levy the tax be taken from the Legislature and put in the hands of the several Governors and Councils, in order to "prevent useless disputes and controversies."² Sharpe, in his anxiety to obey instructions, called a meeting of his Assembly for June 23, 1755, but with no sanguine feelings; he looked forward to a series of disputes, and thought that rather than aid Braddock they would indulge in fault-finding because his troops had carried off servants, carriages and horses belonging to the inhabitants over whose lands they had marched.

The Assembly offered £5000, but the measures proposed for raising the loan were such as the Governor could not sanction. Sharpe was much disconcerted and distressed to see

¹ Governors of Va., Md., Penn., N. Y., and Mass.

² Sharpe Correspondence, I., 203.

the condition of the people on the western frontier without being able to help them. He was led to say, "the Assembly will never recede from the points that his Lordship's instructions oblige me to insist on tho' half the province should be depopulated."¹ He even thought, should Braddock have "taken the French Forts on the Ohio," he could not hold them, for the colonies would not support a garrison or supply it there "without compulsion."

The Braddock expedition against Fort Duquesne, as is well known, ended in complete failure;² suffice it to say that the failure, which was due to the lack of effective coöperation on the part of the colonies coupled with Braddock's own lack of good judgment, gave the French an alarming advantage, for it was followed by the disgraceful retreat to Philadelphia of Col. Dunbar,³ who commanded the forces after the death of Braddock, and the abandonment of the field; this left the frontier without defense, except such as a hundred or two half-starved provincial troops could give. All the barriers were thrown down, and Sharpe thought that 2000 regular troops with as many Indians could have marched to the Chesapeake almost without hindrance; for such was the opinion he had of the 18,000 Maryland militia and the Virginia troops. If the French had taken full advantage of their victory they might have made the invasion of Maryland an entering wedge and thus have cut the colonies in two, as the British afterwards attempted to do during the Revolution. However, this was not done, for efforts were now being made to oppose the French in the north; and the latter, seeing that the real struggle would be in Canada and on the lakes, withdrew a large portion of their forces from the Ohio. But much injury was committed and some blood shed on the defenseless frontier; the western inhabitants were terrified and fled to the more populous sections of the province.

¹ Sharpe Cor. I., 239.

² Orme's account of Braddock's defeat, July 9, 1755; Sharpe Cor. I., 252.

³ Dinwiddie Papers, II., 139.

Governor Sharpe did what he could to stop this flight and persuade the people to return to their homes. Fort Cumberland was garrisoned by provincial troops, and several small palisade forts were constructed and occupied by volunteers; these served as places of refuge for the panic-stricken people. The cost of these defenses was defrayed by private subscriptions contributed by the Council and people.

Down to February, 1756, all that was contributed toward the campaign was £6000 and a small force of troops. New York and Pennsylvania did better than this, although the latter, considering her danger, was also slow to act. New Jersey did as well. Virginia, though at first more directly affected, contributed nearly £100,000 and a larger force of men in the same time. Even South Carolina was not more backward than Maryland. This was so despite the fact that the latter province was looked upon as the center of action; her own governor, in consequence, being appointed commander-in-chief temporarily.

Sharpe was powerless to control events. However, a small company of sixty men under Captain Dagworthy was raised to accompany Braddock. Maryland had no effective militia law, and the Assembly could not be prevailed on to pass one, so that the difficulty in raising and disciplining troops was next to that of securing a vote of supplies. Gov. Sharpe estimated that the three colonies, Maryland, Virginia and Pennsylvania, alone could furnish 80,000 men, but it was with the greatest difficulty that a few hundred could be pressed into service and supported.

After Braddock's failure, the conquest of Fort Duquesne was left to the southern colonies, and Sharpe was constantly importuned to attack it, but never secured support enough to risk the attempt. Nothing was done against the fort until 1758. Gov. Shirley, of Massachusetts, was appointed commander-in-chief of the American forces to succeed Braddock, and this was an indication that the war against the French would be fought out largely by New England.

Though nothing aggressive was done south of New York, nevertheless Gov. Sharpe did not cease his efforts to secure a handsome appropriation from his Assembly for the purpose of defending the frontier and aiding Shirley in the north. The exposure of the western inhabitants to French and Indian raids occasioned constant alarm, and the pressure brought upon the Assembly was very great. Something had to be done at once. The Assembly yielded; at the next session (February 23, 1756), a vote of £40,000 was passed. But Sharpe was still much discouraged, for he said his experience had taught him that there was a "wide difference between voting a sum of money and granting or raising it." The money was raised, however, and used for defense, but we shall find that in this case it was the Proprietary and not the Assembly that had yielded.

CHAPTER III.

“BONES OF CONTENTION.”

THE ASSEMBLY *vs.* THE LORD PROPRIETARY.

A Marylander can feel little pride, nay, rather humiliation for the conduct of his State during this period of her history. Upon whom rests the responsibility for this attitude of Maryland at such a time? Upon the Proprietary? upon the Province? or upon both? To find an explanation of the backwardness of the Province, let us examine the points at issue between the people and the Proprietary government. They were as follows :

1. The collection of revenues by the Proprietary which were regarded as illegal ; for instance, the port or tonnage duty and the tobacco tax.

2. Interference with the colony's right to levy taxes and control public revenues ; for example, the contest about the tax on ordinary licenses and the duty on imported convicts.

3. The paper-money controversy.

4. Refusal of the Proprietary to share with the Province the burdens of the war and waive his right to the exemption of his estates from taxation.

5. The example of her sister colony, Pennsylvania.

The revenues¹ enjoyed by the Proprietor fall into two classes : first, those which arose from his ownership of the soil, vested in him by the charter, or so-called “territorial rights.” They were : 1. Quit rents, or small fixed charges received by the Proprietary from lands subgranted by him. 2. Caution money, a revenue that arose from a new system, adopted in 1683, whereby any person could sue out a war-

¹ Kilty, “Landholder's Assistant,” pp. 254-268.

rant for land upon the payment of a certain sum, called "caution money." 3. Alienation fines (including fines upon devises), sums paid to the Proprietary for the privilege of conveying land from one person to another. These were private rights of his lordship.

Secondly, those which rested upon the bounty of the people and were granted to him in his sovereign capacity as ruler of the Province, or so-called "rights of jurisdiction." They were: 1. The port or tonnage duty. 2. The tobacco duty. 3. Fines and forfeitures. 4. Duty on ordinary licenses; hawkers' and peddlers' licenses and a few others of no special importance. These were the public revenues of the Proprietor. While both these classes of revenue were sanctioned by the charter, there was still a wide distinction between the two. When, in 1689, the Proprietary government lost its authority, the Proprietor also lost, for the time, most of his public revenues but he retained his private revenues as landlord of the soil.

1.—COLLECTION BY THE LORD PROPRIETARY OF TAXES THAT WERE REGARDED AS UNCONSTITUTIONAL.

The public revenues of the Proprietor were constant "bones of contention" between the Assembly and Lord Baltimore; it was these that caused most of the disputes that arrested the coöperation of Maryland in the French and Indian War. Although the port or tonnage duty originated in 1646, it was first permanently levied by the Act of 1661 entitled "An Act for Porte duties and Masters of Ships."¹ It was enacted that . . . "all vessels not belonging to the province, having a deck flush fore and aft, coming in and trading within the Province should pay for Port Duties or Anchorage half a pound of powder and three pounds of shot or so much in value for every ton of burden to the Lord Proprietor and his heirs." . . . But it was afterward com-

¹ Assembly Proceedings, 1661, p. 418.

muted to fourteen pence per ton, and this revenue was enjoyed by the Proprietor unmolested until 1692. At this time, Maryland being under Royal government, the port duty was claimed by the Assembly as a public revenue. The Assembly urged the ingenious but false argument that the revenue was a fort duty and not a port duty; that though the journals of the Assembly and the original act itself had been lost or made away with, yet after a thorough examination into the reasons for making the law, they had found it "was for building of Forts and finding of powder and shott for the Country's use and the duty was always called by the inhabitants 'Fort Duety's and not Port Duetyes.'" The revenue amounted then to eight hundred pounds sterling annually, and it seemed to distress the Assembly greatly that the King should be burdened with the building of forts for the Province while the Lord Proprietor was allowed to enjoy this large revenue.

The attempt to show that this revenue was a fort duty and not a port duty, if successful, would have classed it among other revenues granted for defense which were repealed by the general repealing act of 1704. The Proprietor's agents collected this revenue in peace until 1739, when the old sores broke out afresh and became more virulent than ever. A systematic attack upon the Proprietary revenues was then begun and continued down to the Revolution. The port duty proved a constant grievance, for the Assembly pronounced it contrary to the reason and institution of the duty in the act of 1661, and took the ground "that all taxes not imposed or at least sanctioned by themselves were illegal." The Assembly held that the duty had been repealed by the general repealing act of 1704. But legally the Assembly's case was a weak one; the Crown did not assent to a repeal of the port duty in 1704. Moreover, the Assembly really recognized the legality of the port duty, for when, in 1733, provision was made for a redemption fund in the Paper Currency Act, the appropriation of this revenue for such a purpose was specially exempted.

Though a duty on exported tobacco was levied in Maryland as early as 1638, it was the act of 1671 that occasioned so much dispute subsequently. It was entitled an "Act for the Rayseing and Provideing a Support for his Lordship . . . dureing his natureall life . . . and towards the defraying the Public Charges of Government."¹ By this act the sum of two shillings sterling was imposed as a duty upon every hogshead of tobacco which should be shipped "in any Ship or vessell" out of the province, but it was specially provided that one-half of the revenue thereby raised should be used for the constant maintenance of a magazine with arms and ammunition for the defense of the province and other public charges. A concluding clause directed that this act should continue during the natural life of Cecilius, then Lord Baltimore, and "for one Cropp more next after his decease and noe longer." It was also agreed that the Proprietor should receive his rents and fines for the alienation of lands in good tobacco, when tendered, at the rate of two pence per pound. However, by subsequent acts, the act of 1671 was continued during the lives of his successors, Charles Calvert and Benedict Leonard Calvert. When the government was seized by the Crown in 1691, the tobacco tax of two shillings was collected and lodged in the public treasury, and when the first royal governor, Copley, entered upon his office (1692), the Assembly settled upon him one shilling, or one-half the duty which had been appropriated by former acts for the support and defense of the province. Lord Baltimore had always claimed the other half, as of the nature of a private contract between himself and his tenants, in consideration for the loss he sustained by receiving his quit-rents in tobacco at the rate of two pence per pound. Receiving no benefit therefrom, his agent, Henry Darnall, petitioned the Assembly for the privilege of collecting this and other of his lordship's revenues. The Assembly replied evasively, but the King approved his claim and he continued to enjoy the twelve

¹Assembly Proceedings, Vol. II. (1666-1676), pp. 284-286.

pence tariff. On Sept. 19, 1715, it was raised to eighteen pence per hogshead, and in 1716 this revenue was further increased, the Assembly purchasing the quit-rents and fines outright for a duty of two shillings per hogshead and an additional fifteen pence, twelve pence being for the support of the Governor, and three pence for arms and ammunition. These provisions were continued by an act of 1717, and were allowed to expire in 1733. Lord Baltimore thereupon, under color of the act of 1704, resumed the collection of his quit-rents and twelve pence per hogshead for the support of the government, which in the interval seems not to have been collected. It was continued without opposition until 1739, when trouble began, and the Assembly of 1739 spent a large portion of its session in discussing the legality of the tobacco tax. "During that period, 1733-1739, the Act of 1704 was looked on as a Law in Force and Being," says Governor Ogle, "until some Gentlemen of new Light (for I find we have new Light in Politicks as well as in Religion) lately undertook to undeceive us in this particular." The action of the Proprietor in collecting this twelve pence was denounced as illegal and unwarranted, and the Assembly took the untenable ground "that Acts passed during the period of Royal Government were not meant to extend to his Lordship, that the revenue had not been properly applied by the Proprietary, that the Law of 1704 was a 'mixed consideration,' dependent upon the proviso that Lord Baltimore receive his quit-rents and fines in tobacco." . . . The Lower House adopts this report of its Committee on Grievances, insisting that they, as British subjects, "wish to maintain to themselves and their constituents the liberty . . . of not being liable to the payment of any money, Tax, Impost or Duty, except such as are raised . . . by themselves." To give evidence of their good faith, the Assembly passed a bill giving twelve pence per hogshead to the Governor for his support. This was an equivalent of the twelve pence of the act of 1704, the collection of which by the Proprietary officers was declared

illegal. The Upper House rejected the bill. Gov. Ogle tried to persuade the Assembly that they were in error, but they were not to be persuaded. The Lower House was not satisfied to let the matter rest here, and passed a bill for the appointment of an agent in London to lay their grievances before Lord Baltimore, and if he should fail to adjust them, to bring them before the King in Council. As the Lower House reserved to itself exclusive control of the agents both as to appointment and payment, the Upper House rejected the measure with the comment,—“A prettier Scheme for Power and Profit, in our little World of Politicks, can hardly be thought of.” The Lower House argues ominously: “The people of Maryland think the Proprietary takes Money from them unlawfully, the Proprietary says he has a right to . . . his Majesty must determine and we must have a suitable agent in London to act for the people. . . . The people of Maryland have spirit enough and we hope will find means without this Bill to do themselves Justice.”

After opening this broadside upon the Proprietary, Maryland kept up the fight without intermission until she became an independent State. The entire session of the Assembly of 1739 was given up to constant quarrels and bickerings between the representatives of the people and the partisans of the Proprietor, the Governor assuming the role of peacemaker. As a result, we find no new laws on the statute-books in 1739 and 1740.

The Lower House was not to be frustrated in its efforts to secure an agent in London, and their persistence was rewarded with success. In 1740 a colonial agent was retained, and two addresses were prepared stating their grievances, one to the Proprietor, the other to the King, the latter to be presented only in case the former failed of its object. The address to the Proprietor was presented and its response was submitted to the Assembly in 1744. It was conciliatory in tone and contained thanks for the evidences of good will manifested by the colonists toward his Majesty's government, but beyond mere

empty promises and polite expressions it availed nothing toward the settling of the controversy. These differences with the Proprietary gave rise to a political faction which continued through the remaining days of the colonial period. At regular intervals down to 1771 resolutions were passed directed against the tonnage and tobacco duties, and the antagonism of this faction increased as the outbreak of war occasioned new demands for revenue. It was held that the law of 1704 was a perpetual one; it was denied that laws made for his Majesty's government would not hold under Proprietary government, for the province continued to be "the Kings Government." The "mixed consideration" was also denied to be a necessary part of the act, and the Assembly was scored because it had made no objection to the collection of the tax until 1739. "The Right of the Act of 1704," says Calvert, "is so undeniable Apparent with the Crown and with Lord Baltimore as his Majesty's Hereditary Governor of Maryland, Its Quality is unto a Diamond not to be altered but by its own Power." . . . But Calvert struck at the seat of the dispute when he hinted that "the present legislators do not possess the same kindly spirit toward the administration that their ancestors did." In justice to the Proprietary be it said there is no evidence among the laws of Maryland of a repeal of the act of 1704. The popular branch of the Assembly were clearly at fault in the view they took. It was the attempt of a political faction in the province to wrest from Lord Baltimore privileges that were properly his. There had grown up a strong party opposed to the government in everything, and if there had been no check upon their designs, or had the Lord Proprietary not been as liberal as he was, he might have been stripped of all his political rights ere this. As it was, Baltimore may have made a mistake in failing to make concessions which would have led to an adjustment of the difficulties between him and the people. The Assembly was unfortunate in having to deal at this time with a Proprietor who, unlike his predeces-

sors, cared little for his province and was of no benefit to it at all. Frederick was satisfied with Sharpe's administration so long as he kept his income intact, but was unwilling to tolerate any petitions from the Assembly. The collection of the tobacco and tonnage duties remained ever afterward a standing complaint, and was often an excuse for a dispute or a delay in legislation throughout Sharpe's entire term. Frequent attempts were made to mortgage this revenue when appropriating a supply, but in every case the bill was vetoed by the Upper House.

In 1756 another effort was made to secure an agent in London to bring their troubles before the King in Council, and a paper was circulated among the people to raise subscriptions for the purpose. They had come to the belief that the duties were illegal and were very much wrought up. Sharpe appreciated the situation; he confessed he thought the people unreasonable in their views, but urged Baltimore to allow the dispute to be brought before the Privy Council or be submitted for an opinion to the Attorney-General. Sharpe felt that if Frederick would but submit to a hearing he would be sustained, the people would be satisfied with the result and further controversy prevented. But Sharpe's advice was not heeded, and Lord Baltimore peremptorily forbade him from hearing any proposal by the Assembly concerning the appointment of an agent. Sure enough, as Sharpe had said, Frederick's resistance confirmed many people in the opinion that the money was collected without the sanction of the law. However, payment was not resisted and the taxes were collected as long as Proprietary rule lasted, subject, though, to periodic condemnation.

According to the Governor's estimate in 1756, the port duty yielded then a revenue of £800 or £900 annually; the tobacco duty, £1400, most of which was the annual salary of the Lieutenant-Governor, the rest being paid to the Proprietor.

2.—INTERFERENCE WITH THE COLONY'S RIGHT TO LEVY TAXES.

Ordinary Licenses.—The ordinary licenses were revenues that arose from annual fees exacted from the innkeepers of the province. They were first levied in "An Acte Regulating Ordinaryes and Limitting the number of them within this Province," passed by the Assembly in 1678. By the terms of this act a license fee of 2000 pounds of tobacco was imposed upon every ordinary keeper who kept an inn within two miles of the "City of St. Maryes," or 1200 pounds for a similar privilege in any county.¹ This was an annual fee and yielded a goodly revenue to Lord Baltimore, to whom it was granted.² It appears that the Lord Proprietor's secretary received the ordinary license fees from 1678 until 1692. They were given him by his lordship in lieu of certain clearance fees which had become more lucrative and therefore made the exchange desirable. This was public revenue, and in that eventful year, 1692, the Assembly, upon the plea that the Secretary only enjoyed it through his lordship's bounty, and that his lord was no longer in authority, transferred the ordinary license fund to the royal governor. Upon this, the Secretary appealed to the King and complained of the confiscation, which caused him a yearly loss of £150.³ In consequence, the King in Council disallowed this act of the Assembly, and the license fees were restored to the Secretary. Thus the Proprietor gained another point which was won through the aid of the Crown. Ordinary licenses were continued by various acts till 1729.⁴ In 1735,⁵ another "act for regulating Innholders and Ordinary keepers" was passed,

¹ The penalty for an attempt to keep without a license was a forfeiture of 10,000 pounds of tobacco.

² Or rather was taken by him, as his by prerogative. Sharpe Correspondence, I., 235.

³ Council Proceedings (Md. Archives), 1692, pp. 386, 438, 451, 456.

⁴ Bacon's Laws of Maryland, 1717, ch. 1; 1726, ch. 10.

⁵ Bacon's Laws of Maryland, 1735, ch. 8.

which expired in 1740. The Assembly of 1739 had refused to renew this revenue to the Proprietor, and in 1740 the ordinary licenses were appropriated by law, with the consent of the Proprietor, to defray the expense of raising men for the Carthagena expedition, and in 1746 to help an intended expedition against Canada. In that way the ordinary license fees were mortgaged until 1754.

By an act of 1735, hawkers, peddlers and petty chapmen were required to take out a license annually. This also yielded a fee of £5 for each license, which was given to the Proprietor for the support of the government. The act expired in 1740.

Maryland, until 1753, had never been directly threatened by a French invasion. Although war had been carried on with the French for half a century, the Canada border was always the scene of action. The people of Maryland had consequently taken no part in this warfare, save by an occasional contribution. Even the purse of £500 to be presented to the Six Nations at the Albany Congress was not secured from the Assembly without considerable wrangling between the two houses, for the Lower Branch wished to replace the money taken out of the Loan Office by "License Money and Fines and Forfeitures" arising from other sources. The Upper House resisted this invasion of Lord Baltimore's privileges. The dispute was finally settled by a resolution of the House of Delegates "to take £500 current money out of the Treasurer's hand" to purchase presents for the Indians. Increased pressure and persuasion soon brought the Assembly to a sense of their duty, and in May, 1754, an act was passed by the Lower House to appropriate £3000 in aid of Virginia, but it never became law; for among the ways and means reported by the committee for raising the fund, an additional tax of £1 was placed on ordinary licenses, and a £3 annual license on hawkers and peddlers; likewise additional taxes upon indented servants and imported negroes. No objection was made to the latter, but

the license fees killed the bill. A conference of the two houses led to an adjustment of the dispute, and the Assembly was prorogued until July. Sharpe, on becoming Lieutenant-Governor of the Province, had received private instructions from Lord Baltimore to order the Proprietary agent to receive the revenue arising from ordinary licenses, but he answered that it was impossible, for the license fees were already taxed to pay off a loan made in 1746 and this had not been fully redeemed. Frederick wished to see no retrenchment of the Proprietary revenue, while the Assembly was determined he should share their burdens. The Proprietor had not received the license fees since 1739, and his only title to them previous to that time was the will of the Assembly. It was the prompting of an indifferent and selfish spirit that now led him to interfere and prevent the province from appropriating this revenue for the public good. Ordinary licenses were not a permanent fund voted to the use of the Proprietor and his heirs. The purpose of the Assembly in imposing these licenses was the "better regulating of ordinary-keepers and limiting their number within the province." And to that end a tax had been placed which served incidentally as a source of revenue. It was granted to Lord Baltimore only, however, for temporary periods; these grants were subject to renewal, and were accepted as gifts by the Proprietor till 1739, when the Assembly refused to continue them longer. Now that the Province needed public money, it proposed to claim its own and avoid the burden of an increase of taxation. Frederick's claim to this fund rested upon precedent alone, and even had it been stronger, he should have waived it in this time of public danger. His selfishness aggravated the tardiness of Maryland in responding to the appeals of her sister, Virginia, and the instructions of the English government. Sharpe, Frederick's own appointee, held these views, though he never expressed himself in language quite so strong. The provincial Assembly had long before entered

into a contest with its Proprietary for supremacy, and now that an opportunity offered, with the Proprietary government at its weakest stage, they meant to settle it in their own favor. Thus matters stood; and the government was practically at a standstill when the people of Maryland received the news of Washington's surrender at Fort Necessity. The Assembly at this critical moment at once surprised and exasperated Didwiddie and the ministry; Sharpe it irritated, but did not surprise, for he knew his men. Upon the defeat of Washington, Sharpe called a special session for the consideration of a supply. He addressed the Assembly in these words: "In This Emergency the Hopes and Expectations of our Neighbors whom in Duty, Honour and Interest we are Engaged to Support and Defend are fixed upon us for assistance; and What must the World think of our Conduct or What Calamities may We not expect, if from an unseasonable parsimony We boldly look on while they are Cut to Pieces. The Boundless Ambition of the Common Enemy and Cruel Rage of their Savage allies now upon our Borders flushed with victory indispensably require a Vigorous and immediate Exertion of all Powers to check their Progress."¹ A fund for defense was recommended, and the Assembly responded promptly to the earnest appeals of their Governor, by acting upon his suggestion without delay. A vote of £6000 current money was passed in aid of Virginia, and assented to by Governor Sharpe. Dinwiddie writes his congratulations to Sharpe, saying: "Washington's defeat has caused more than a victory, it has roused the spirits of our neighboring colonies."² But notice that the ways and means³ provided for raising this fund include ordinary licenses and a tax of one pound sterling on every imported convict.⁴ At the time this supply was passed Sharpe had instructions not to assent to any bill

¹ Assembly Proceedings, 1754, July 17.

² Sharpe Correspondence, I., p. 76.

³ Assembly Proceedings, 1754, July 25; Bacon's Laws, 1754, ch. 9.

⁴ See below, p. 40.

appropriating the ordinary licenses. But necessity and the knowledge that a supply could not be secured any other way induced the Governor and his Council to yield to the Lower House. Sharpe begged the indulgence of his lordship and pleaded urgency as his excuse. Baltimore, on the contrary, far from being gratified at the behavior of his province, was displeased at the public appropriation of the license fees; and although he had nothing to lose, for he had never received this revenue as long as he had been Lord Baltimore, nevertheless Frederick did not become reconciled to the loss of this prospective revenue until September 9, 1755. The Assembly had gained its point and now became more determined than ever. In the meantime, Sharpe was making the best use of his resources. He raised a company of one hundred men and sent them to Wills Creek to engage with other colonial troops in the erection of Fort Cumberland. This fort was erected to serve as an outpost for the frontier defense and as a base of supplies for expeditions against Fort Duquesne. Sharpe, contemplating an attack upon the French stronghold, sought again the assistance of his Assembly, and in December, 1754, the Lower House passed a supply of £7000 to be provided by an emission of "notes of credit." But the provisions for sinking the same contained the old clauses concerning ordinary licenses and imported convicts, which Sharpe, in obedience to his instructions, was bound to reject. Again, in February, 1755, the Lower House voted a supply "for his Majesty's service," this time £10,000, with the foreknowledge, no doubt, that the bill would not become a law. It contained the same provisions that were before objected to by the Proprietary and was rejected. But the Lower House responded by resolving that "they would not grant a Shilling by any other means"; consequently Sharpe's project could not be carried out. These controversies between the representatives of the people and the agents of the Proprietor caused the defeat of effective legislation. Many of the Councillors and the Governor were wavering in their

belief that Lord Baltimore's claim to the ordinary licenses was a just one, but the instructions of his Lordship compelled them to act as they did. At the same time the Lower House was determined not to retreat from ground they had gained, and continued to dictate the uses to which the license fund should be put; therefore nothing could be accomplished except by yielding to the House of Delegates. This was a bitter pill for his Lordship, but he had to take it at last.

The question of foreign immigration has always been an important one in America. In the very infancy of Maryland the danger of unrestricted immigration was perceived, and laws were passed to regulate it and keep out undesirable immigrants, among whom were reckoned negroes, Irish papists, and convicts. Considerable revenue was raised from the first two classes. By an early law all imported negroes were bound to service and made slaves for life.¹ In 1695 an imposition of ten shillings per poll, afterwards increased to forty, was placed on all negroes imported, while the same law placed a tax of only two shillings sixpence on white servants.² In 1704 a poll of twenty shillings, afterwards doubled, was imposed on the importation of Irish servants, "to prevent too many Irish papists being imported" into the province. These duties were continued throughout the history of the colony, except the tax on Protestant servants, which was repealed in 1732. The Assembly had no complaint to make of these immigrants; but with the importation of convicts it was different, for other questions were involved, and of the three classes, "imported convicts" were the most obnoxious. It appears that the importation of convicts began at an early date. The attention of the Assembly being soon called to this matter, steps were immediately taken to prevent the influx of these undesirable people. An act for that purpose was passed by the Assembly in 1676: "Whereas it had come to their knowledge that severall no-

¹Assem. Proceedings, III., 203.

²Called "indentured servants."

torious felons and malefactors, taken from the 'Comon Jayles,' had been imported and sold in this province as servants . . . it was provided that a law be enacted to prevent their landing . . . under a forfeit of 2000 pounds of tobacco by the Ship Master in each case."¹ It had been the custom to transport criminals convicted of theft, perjury or forgery, which were then capital offenses, to the colonies, to be there sold into servitude for seven or fourteen years, according to the enormity of their crimes. Their importation to Virginia was first begun by James I., but was soon extended to all the colonies alike. Virginia passed laws to fix a small liability upon their masters for good behavior, while Maryland prohibited their importation outright. The act of 1676 was continued by several reviving acts, and in 1692 a new law was passed, its object being to prevent the landing of convicts. However, their importation to America increased under George I., when the number of offenses for which a criminal was transportable was largely extended. In the meantime the law of 1692 had expired, and even during the continuance of the prohibitive acts no doubt many convicts were smuggled in. In 1723 the Maryland Assembly took the matter up again and passed an "act to prevent the evils arising from the importation of convicts and the better discovery of such when imported." Though passed by both branches of the Legislature, it was vetoed by Lord Baltimore. The reason alleged for shipping the convicts to the colonies was "the great want of servants" there. Hence these criminals, whose services to England were impaired or unnecessary, were sent abroad that they "might be the means of improving his majesties plantations by their labor and industry." Many of the colonies were incensed at this; Pennsylvania put a poll-tax on them as early as 1729, and New York raised a great hue and cry against their importation.² "We want people, 'tis true," they said, "but not

¹Assem. Proceedings, II. (1666-1676), p. 540: "An Act against the Importation of Convicted Persons into this Province."

²Pitkin, United States, I., 134, 135.

villains, ready at any time, encouraged by impunity, and habituated, upon the slightest occasion, to cut a man's throat for a small part of his property." Similar utterances appeared in the *Maryland Gazette*,¹ but Maryland had no redress while thus handicapped by her Proprietor. It is estimated that from three to four hundred felons found their way into her territory annually.² When the French and Indian War brought its demand for revenue, the Assembly hit upon Pennsylvania's plan and placed a poll-tax or duty of £1 on every convict imported. This duty was imposed primarily for revenue purposes, but moral considerations and the example of Pennsylvania were also causes of its imposition. Here came the rub: the importation of felons was authorized by special acts of Parliament; several shipmasters were contracted with to transport them, and England gladly paid a bounty to get rid of this dangerous class of citizens; aside from this, the contractors derived a large profit from the sale of the convicts and enjoyed a profitable monopoly.³ Naturally they objected to having it curtailed, and consequently when a duty was imposed on convicts by the Act of 1754 a great cry arose from the contractors against it; they threatened to memorialize Parliament. The duty was objected to by the partisans of the Proprietor, who urged that it clashed with the authority of Parliament and would draw a censure from Great Britain. Lord Mansfield, then Attorney-General, was appealed to; he declared "the colony had no power to make such a law, because it was in direct opposition to the authority of Parliament; furthermore, granting that it were proper, colonial legislatures might with equal propriety lay a tariff upon or even prohibit the importation of all English goods." He threatened that unless Lord Baltimore dissented to the Maryland act he would

¹ Maryland Gazette, July 30 and August 20, 1767.

² Pitkin, United States, I., 133.

³ The convicts were sold at prices ranging from eight to twenty pounds sterling apiece, though £6 was considered a good premium.

"severely proceed" against it. This opinion was certainly faulty and was based upon the general ground of expediency. If Lord Mansfield had taken the pains to examine the charter he would have found that to Maryland was reserved the exclusive right of levying duties upon commodities imported into the province; and if he had examined the records he would have found old laws actually prohibiting the importation of criminals. Maryland had a moral as well as a legal right to impose such a tariff. Gov. Sharpe, however, advised Baltimore to dissent to the act, giving the Attorney-General's opinion as his reason for such action, if he thought it would involve him in trouble with the Crown. This was not done, but the opinion, though given by the Attorney in his capacity as a private lawyer, and in nowise binding on the Assembly, was used to prevent the placing of duties on imported convicts in other supply bills. The duty of £1 was collected until the £6000 were sunk, and though it was virtually borne by the purchasers of servants, every subsequent attempt by the Lower House to tax convicts was opposed.

3.—THE PAPER MONEY CONTROVERSY.

About this time another important issue sprang up—the paper money controversy. Paper currency became an important circulating medium of the Province in 1733.¹ Tobacco had always been the general medium of exchange, though other commodities were used, for instance, powder and shot, and payment in kind was common. Tobacco, however, was the most serviceable and obtainable and was never superseded in Maryland during her entire colonial period. The production of tobacco increased greatly and its value depreciated in consequence; English money and other foreign coins were almost entirely driven from the Province. This fact explains the concessions that the Assembly was so willing to make down to 1733 in tobacco duties in return

¹ Scharf's Maryland, I., 273-280.

for a commutation of the Proprietary quit-rents. Attempts were made to keep English money in circulation, but without much success. Numerous foreign coins circulated in Maryland and laws were passed from time to time fixing the rates of exchange. But, on the whole, the currency of the province was in a confused state. In 1731, to relieve trade and secure a more stable and convenient medium of exchange, an emission of paper money was proposed, and an act was passed to emit £36,000 in "bills of credit"; not being approved by the Proprietor, it was never enforced. But the Proprietary consent was won over in 1733 when an act was passed "for Emitting and Making Current, Ninety Thousand Pounds . . . in Bills of Credit." This amount was struck, and the act provided that it should circulate for thirty-one years from September 29, 1733, and should be a legal tender in the province for nearly all payments; exceptions being clergy dues, tobacco and tonnage duties and other moneys payable to the Lord Proprietary. All "fees, levies and other duties," however, might be discharged in bills of credit, allowing the difference of £33½ per hundred between sterling and currency.¹ This made the £90,000 equivalent to £60,000 sterling. Various provisions were made to put the act into effect. A loan office was provided and three commissioners or trustees were appointed to superintend the payment and redemption of this currency, to keep account of all money passing through their hands and to receive securities for money loaned. For the redemption of this paper currency a duty of one shilling and threepence was placed on all exported tobacco for thirty-one years. The last clause fixed the periods for the redemption of the bills, two dates being set; the first, September 29, 1748, to March 29, 1749; during this time all bills brought to the loan office were to be cancelled and new bills issued to the value of two-thirds thereof, the other one-third being redeemed. It was expected that all old bills would be replaced by new ones at this first payment, though

¹ Bacon's Laws of Maryland, 1733, ch. VI.

there was no obligation to that effect. However, the final redemption of the residue of the bills in circulation was fixed for September 19, 1764, the expiration of the thirty-one years, the statutory limit. This clause is an important one, as we shall see, for it was the cause of much contention between the two houses of Assembly in 1755. At first, on account of the lack of confidence felt by the people in the fund provided for its redemption, paper money rapidly depreciated until £230 currency was only worth £100 sterling. But as soon as the people became convinced of the "goodness of the fund," and when, in 1748, one-third was actually redeemed, the bills rose in value, and by 1753 £150 currency passed for £100 sterling.¹

It seems that in 1748, the first period provided for redemption, all outstanding paper bills were not presented for reissue. Only £85,984 14s. were brought in, an amount lacking £4015 6s. of the original issue. "Some of the Politicians," says Sharpe, "who out of their singular regard for the Pockets of their Constituents and perhaps their own Interest"² discovered that fact and proposed to make use of it to embarrass the government. A large majority of the House of Delegates were persuaded that the £4000 in question were destroyed by fire or other accidents, and that a new issue to the same amount would not affect the value of the currency, for it would not increase the sum provided for by the Paper Currency Act. While the exigencies of the time might have justified a reasoning after this fashion, yet it was treading dangerous ground to legislate upon a supposition. There was little evidence that this amount of paper had been destroyed; on the contrary, there was reason to believe that a great deal of it was still in circulation, for small quantities were held by people living at considerable distances from the seat of government, who did not think it worth their while to make a special trip to the Loan Office

¹ Sharpe Correspondence, I., 138, etc.

² Sharpe Correspondence, I., 162.

to have a small amount exchanged.¹ When the bill for £7000 was passed by the Lower House it was provided that £4015 6s. of it should be a new issue of the paper money office.² This was rejected by the Council for the reasons mentioned, and because it was thought dangerous to establish a precedent that might have led to other measures having for their effect the debasement of the currency. Maryland did not stand alone in this controversy, for New York and New Jersey had also refused to vote supplies except they be allowed a new emission of paper currency, and royal instructions prevented their governors from consenting to this. Pennsylvania likewise was very anxious to "strike more paper." In Maryland the paper money controversy created a serious obstruction and blocked tighter than ever the wheels of administration.

4.—REFUSAL OF THE PROPRIETARY TO SHARE THE BURDENS OF TAXATION.

Since the voting and expenditure of the supply of £6000, three fruitless sessions of the Assembly had been wasted in unsuccessful efforts to put the province in a state of defense. Their work was dissipated in disputes over ordinary licenses, imported convicts and the paper currency. Sharpe's urgent appeals were in vain, and the Lower House remained firm in the conviction of the justice of its course. Neither side was willing to make any concessions to the other, and no agreement was reached between the administration and the delegates. All the while reports were sent from Fort Cumberland to the Governor concerning the frequent depredations and murders which were committed by the Indians among the "back inhabitants,"³ as the people in the western part of the province were called. These distressing facts were laid

¹ A rise in the value of the currency at this time would tend to give further credence to this view.

² The remainder was provided for by special taxes.

³ Sharpe Correspondence, I., 365.

before the Assembly by the Governor, and the Lower House recommended a company of rangers to picket the frontier and £1500 for their support; but the bill failed, presumably because it contained a clause placing an additional tax of five shillings on imported convicts. As there was no news from Braddock and further delay was dangerous, Sharpe secured a small company of volunteers and hastened to Fort Cumberland. While on his way thither a report of Braddock's defeat reached him,¹ occasioning great surprise and producing the wildest commotion among the settlers. A private subscription had been raised by the members of the Council and other gentlemen of the province; this was all Sharpe could count upon, and out of it he garrisoned several forts or places of refuge for the people of Frederick County, and supported at Fort Cumberland Dagworthy's company, the only body of Maryland troops that had accompanied the Braddock expedition. Every effort was made by Sharpe to quiet the panic-stricken inhabitants and strengthen the frontier defense. To say that he was partially successful is a tribute to his executive ability, for Sharpe was left to cope with the situation almost alone. As it was, a large number of the western inhabitants left their homes and fled to Baltimore and other places. Fort Cumberland was merely the pretense of a fortification and was too far west to be of service in protecting the province. If the French on the Ohio had not changed their tactics at this juncture the consequences might have been serious. The Indians made several though unsuccessful attempts to capture Fort Cumberland. In the meantime Lord Baltimore became aroused for the safety of his western lands and bowed to the resolutions of the Assembly; he yielded his claims² to the ordinary licenses and hawkers' and pedlers' licenses as well, as soon as the news of Braddock's defeat reached him,³ and issued instructions to his Lieutenant-Governor to pass any

¹ July 15, 1755. See also above, p. 24.

² £640 per annum. Sharpe Cor., I., 368.

³ Sept. 9, 1755.

act of the Assembly for a money loan which appropriated these licenses for the "common cause." The Lord Proprietary flattered himself that his concessions would settle all misunderstanding between the administration and the legislature; but he was mistaken. It was easily seen that this concession had been forced from his Lordship reluctantly. Far from being a great favor, it was an acknowledgment of the power and authority of the Lower House of the Provincial Assembly.

By patience and determination the House of Delegates had won its issue with the Proprietary, though five or six almost fruitless sessions had been spent in the effort. The Proprietor had lost through undue interference with the right, which the province had now acquired, to levy its own taxes and control public revenues. The long disputes over imported convicts, paper money, and especially ordinary licenses had aroused discontent with the Proprietary administration, indifference for the English government that supported its policy, and led the representatives of the people to prejudice their own safety to maintain their liberty.

After this broadside had taken effect the Lower House aimed another. The vantage-ground they had gained emboldened them to attack the personal or private rights of the Lord Proprietary. This leads us to the fourth cause of Maryland's inactivity in the French and Indian War: that is, the refusal of the Proprietary to share the burdens of the war and waive the right to have his estates exempted from taxation.

During the autumn of 1755 nothing was done to check the depredations and outrages of the Indians on the frontier, for the Assembly was not called together again until February, 1756. Gov. Shirley, of Massachusetts, had succeeded to the chief command of the American forces after the death of Braddock. A council of war was held in New York in December, 1755, where the plans for 1756 were decided.¹

¹Sharpe Cor., I., 315-320.

While the scene of action was transferred to the Canada border, it was left to the tact of Governor Sharpe, who was appointed commander for the Southern colonies, to organize an expedition against Fort Duquesne. There existed the old desire to recover this American fort and overawe their Indian enemies, at whose hands they suffered more than from the French, for the Indians had improved the opportunity for plunder offered by French successes. To cope with such a state of things the activity and coöperation of the colonies were imperative. In Maryland, as in Pennsylvania, the force of public opinion was also brought to bear upon the provincial government to induce speedy action. With the hope that the pressure of circumstances might have the desired effect on the Assembly, Sharpe called it together again, February 23, 1756. The Assembly appeared willing to grant supplies, provided it could have its own way in directing the measures for raising them. After a delay of nearly two months, a supply of £40,000 was voted by the Lower House. To raise this large grant taxes were placed upon a variety of commodities, imports and exports; even bachelors and billiard tables were not omitted; while taxes imposed by previous acts, notably that of 1754, were continued by this act of 1756.¹ With unswerving constancy the Lower House included all the objectionable features of former supply bills and a few more besides, such as the duty on imported convicts, ordinary licenses, new emissions of paper money and a land tax. The last was distinctly a new feature, for it was the first tax on land ever imposed and collected in Maryland; but the great demand for revenue necessitated recourse to such a tax. The bill met with a stormy reception. "Too much dictation by the Lower House," objected the Council. It is true the delegates had prescribed rather minutely the purposes for which each portion of the money should be appropriated, and left but little to the discretion of the Governor except to see that they were properly carried

¹ Bacon's Laws of Maryland, 1756, ch. V.

out. The Lower House had acquired powers over money bills equal to those of the House of Commons, and this was a practical assertion of them. The duty on convicts, the emission of paper money and the land tax got their share of opprobrium. These were "some" of the reasons for the rejection of the bill by the Upper House. But the delegates were firm in resisting nearly every attempted compromise of their schemes and plans, and often allowed the debate to fall away into parliamentary quibbling, in which the real points at issue were lost sight of. A second and a third time the same bill for a supply of £40,000, with a few slight modifications, was passed by the Lower House and as often rejected by the Upper. The delegates assumed too great a power over the settling of the land tax, it was objected; after what manner we shall see.

One of the most important measures introduced into this bill was the provision that a small tax, one shilling per hundred acres, should be imposed on all freehold estates, and the Proprietary lands as well.¹ The Lord Proprietary was lord and owner of the soil, and in virtue of these rights his lands were beyond the control of the Assembly. Lord Baltimore held a large quantity of vacant land in the western part of the province. Frederick, who was only anxious to swell his

¹ The lands of the Lord Proprietary were of three classes, manor, reserved, and vacant lands. The manor lands were large tracts, held by the Lord Proprietor, that had been properly surveyed and a description of whose bounds and general features had been entered upon the public records. They were leased in parcels to tenants. The reserved lands were tracts of territory which were ordered to be held in reserve for the Proprietor, on account of their fertility, mineral wealth, contiguity to his manors or towns. These reserved lands had not been surveyed nor laid out, nor designated by any particular name, as the manors were; but like the manor lands they were rented in portions by his Lordship's agents, who were forbidden to sell or grant them to any one. All other lands owned by the Proprietor, notably those in the western part of the province and on the frontier, and which were open at the Land Office to purchase by any one at the "common rates," were called vacant lands. These afforded no immediate revenue. Sharpe Cor., I., 426.

income, urged Sharpe repeatedly to advance the price of his western lands and the rents of his manors ; but the insecurity of the western border diminished the number of applications for this land, and in consequence it was difficult to raise the price of that for which there was little sale. The Proprietary gave no assistance to his province in these trying times, and in this instance one can hardly help excusing the Assembly for regarding Frederick as an obstacle that had to be conquered. In the tax upon land his manor and reserved lands were included, and in this way Baltimore was made to contribute a small portion at least towards the defense of his own province. Had Frederick come promptly forward to the relief of the people with a modest contribution he might have created a loyal feeling among them and have saved himself many vexatious encroachments upon his rights. The first attempt to tax the Proprietary in Pennsylvania was responded to by the Penns with a contribution of £5000. Furthermore, the safety of the province settled, the value of his western land would be restored ; as Sharpe tried to convince him, the annual loss to his Lordship was at this time much greater than the tax proposed upon his estates. Therefore it could only be short-sighted policy to hamper the Governor with instructions that led Sharpe to entertain "no sanguine hopes of the bill." His Lordship was afraid of adding another precedent to those which had already marked the downfall of his feudal prerogatives. Sharpe again expressed his former conviction that it must be left to Parliament to step in and "save the Assembly the trouble of providing for its own safety." However, the more Baltimore resisted, the weaker his position grew : a conference of the two branches resulted in a satisfactory agreement upon the bill.

In the meantime a change of sentiment had taken place among the councillors of the administration ; it was considered futile to oppose the Lower House further at this time and thereby jeopard the safety of the province ; consequently, Sharpe, aided by the persuasion of the Proprietary Council,

came to the conclusion that it was best to assent to the bill if passed again, even though it contained the objectionable tax upon Lord Baltimore's land. His excuses were "the preservation of his province," the loss in Proprietary revenue, and the parsimony of Frederick himself. In regard to the latter, Sharpe said: "If an Act of Generosity in his Ldp had afforded me the least Room I would not have despaired of making them [*i. e.* the Assembly] ashamed of their Behaviour and of rendering them odious to their own Constituents." In the conference between the two branches of the legislature many trifling objections were adjusted. The duty on imported convicts was excepted, an additional land tax was provided for to supply any deficiency that might occur in the sinking fund, and above all it was mutually agreed that Lord Baltimore's manors and rent-paying reserved lands should bear a tax equal to that imposed upon lands patented or granted by the Lords Proprietary to the inhabitants of the province, while his other lands should be exempted. The bill for a supply of £40,000 was passed May 14, 1756, after thirteen weeks of delay and dispute. Sharpe took the situation philosophically, though he expressed his disapproval of the Assembly's conduct. Conscious that "the Lower House would not let the Lives of a few inhabitants come in Competition with their Schemes and Views," anxious alike for the safety of the province and the increase of his lord's revenues, Sharpe took the advice of the Proprietary Council and assented to the land tax. He had acted contrary to Baltimore's wishes. It was not without "some Apprehensions," said he, "that this Step . . . would be censured as a culpable Concession and subversive of His Ldp's Rights and prerogatives"; but the security of the province was his first duty, and Sharpe yielded.

Frederick's indecision had decided Sharpe in the course he took, and upon it he felt willing to stake his reputation with the Lord Proprietary.¹ Although Sharpe was advised to

¹ Sharpe Cor., I., 399.

follow in the path of Governor Morris of Pennsylvania, in "guarding against any Invasion of Proprietary rights and prerogatives," he received no definite and peremptory instructions upon the issues between Lord Baltimore and the people. Governor Sharpe had solicited instructions to remove the "uncertainty," and stood ready to execute them though he should be called by the people "an Odious Instrument" for so doing. Lord Baltimore's revenue the past year had fallen £1600 below what it had been the year previous, and this was attributed to the abandonment of the western lands and their depreciation in value; while, on the contrary, the Proprietary land tax, for the five years to which it was limited, only amounted to £400. "Was His Ldp's Case my own," writes the Governor at the time, "I am sure I would never have hesitated a moment to contribute my Share with the people to defend the province and annoy the Enemy."¹ It is clear that a liberal stroke on the part of Lord Baltimore, a modest but sympathetic contribution, would likely have saved him considerable embarrassment. By the act of 1756 the Assembly scored another point against Proprietary rule.

5.—PENNSYLVANIA'S INFLUENCE UPON MARYLAND.

Let us turn for a moment to Pennsylvania to see the influence exerted by her upon Maryland. The conduct of both provinces with regard to the land tax was very similar, for each had the same interests at stake and the same kind of a government. Sharpe watched the course of Pennsylvania's Assembly closely and reported every favorable move to his own legislative body, hoping in the event of his neighbors passing an "acceptable bill" that Maryland's Assembly would be influenced to become "Imitators of the Quakers' conduct."

General Braddock's defeat was as much of a surprise to the Pennsylvanians as it was to Marylanders. They, too, had practically left the British to fight their own battles, but

¹Sharpe Cor., I., 427.

the Assembly was now sufficiently aroused to pass a vote of £50,000. To raise this sum the General Assembly proposed a tax of "twelve pence per pound and twenty shillings per Head, Yearly for two Years, on all the Estates real and personal, and Taxables" within the province. All the lands of the Proprietaries as well as those of the people were included. This proposition was made July 30, 1755, and it fell with the effect of a bombshell upon the Proprietors. It looked to them like an effort to destroy their authority. The measure aimed in particular at the vacant lands held by the Proprietary, and with some reason, too. Governor Morris, in obedience to his instructions, opposed the proposition with all his skill in argument. The position of the people was based upon equity and common benefit. It is but fair, said the Assembly, since we are called upon to defend the Proprietary estates on the frontier, that our Proprietors should bear their share of the burdens. The opposition of the administration to this measure was based on prerogative, precedent and law. Says Governor Morris: 1. "All Governors, from the nature of their office, are exempt from the payment of taxes." 2. "This exemption is supported by a positive law of the province; for a law of the province, investing the assessors with power to assess and lay taxes in the several counties, contains an express proviso that the Proprietary estates should not be taxed." 3. "It is contrary to the constant practice and usage of this and all other Proprietary Governments to lay any tax upon the lands or estates of the Proprietaries exercising the government by themselves or their lieutenants."¹ The Assembly asserted a right to tax the Proprietors as landlords and not as governors, and requested Gov. Morris not to "make himself the hateful Instrument of reducing a free people to the abject state of Vassalage."² "What Laws of Imposition," said he, "... have I attempted to force down your Throats?"

¹ Pennsylvania Colonial Records, VI., 525, 526.

² Pennsylvania Colonial Records, VI., 584.

The Assembly responds : "A Law to Tax the people of Pennsylvania To defend the Proprietary Estate, and to exempt the Proprietary Estate from bearing any part of the Tax, is, may it please the Governor, a Law abhorrent to common Justice, common Reason and common Sense." While the Administration had law and precedent on its side, the proposition of the Assembly seems to have been fair and just. Thus did the burgesses express their feelings toward Proprietary rule, for they were determined to endanger the safety of the colony, if necessary, to attain their ends. Governor Morris came forward with a compromise and proposed to grant bounty lands to those who would volunteer for the expedition against the French. Lands west of the Alleghanies were to be given, without purchase money and free from the payment of quit-rents for fifteen years, and then not to exceed the common quit-rent¹ of the province. But this did not satisfy the Assembly, and judging from the tone of their messages, they deemed it almost an impertinence in the Governor to have suggested an alternative to their measure. Consequently the bill for £50,000 fell through. Shortly after, another bill, appropriating £60,000 for the same purpose and with substantially the same provisions, was proposed.² Governor Morris could not give his assent to this bill. He was firm with the Assembly and faithful to his superiors ; but he was honest enough to confess that the Proprietors' real reason for not yielding to the tax upon their lands was "to preserve the rights of their Station ; if they gave up these they would soon be stript of everything they had a right to enjoy, both power and property."³ The Governor then expressed a desire that the Penns be taxed by Parliament, if they were to be taxed at all, "for if the power is ever given into the hands of the people here," he wrote, "they will use it without mercy."⁴

¹ 4s. 2d. sterling.

² Nov. 6, 1755.

³ Pa. Col. Records, VI., 544.

⁴ Pa. Col. Records, VI., 738-9.

But the perseverance of the Assembly bore good fruit. In the meanwhile the Proprietors had been informed of the defeat of Braddock, the insecurity of the province and the doings of the Assembly. Governor Morris's conduct was commended and the Proprietors, in order to settle the dispute, offered a contribution of £5000 with a proviso that their estates should be exempted from taxation. While this was proffered as a free gift and not as a commutation for their share of the Assembly's appropriation, Morris was instructed that if the burgesses provided simply the difference, £55,000, he should not insist upon the balance.¹ This is significant; the Assembly interpreted it as a concession on the part of the Proprietaries, and this it certainly was. The gift was accepted and the bill for £60,000 passed November 26, 1755, but the Assembly provided only for the striking of £55,000 in bills of credit, the remainder being supplied by the gift of £5000 which was accepted in lieu of a tax upon the Proprietary estates.² Although the administration thought it had staved off the idea of taxing the lands of the Proprietary, the people had won a real victory. In the interim the people of Maryland were watching Pennsylvania closely, and so was Sharpe; he was awaiting the turn of the tide. If their Assembly passed a suitable bill he intended calling together his own; on the other hand, unfavorable action by his neighbor would make it useless, so the Governor of Maryland thought; for he was confident that if Pennsylvania set an ill example Maryland would be sure to follow it.³ But the passage of £60,000 in the autumn of 1755 gave him fresh hope. Consequently, he called his Assembly together early in 1756 and expected a ready response. In this he was partially disappointed, as we know, for the Mary-

¹ Pa. Col. Records, VI., 731.

² The bill was not satisfactory, but passed the Council because of the restlessness of the people for some definite action. Pa. Col. Records, VI., 734; also VI., 737-738.

³ Sharpe Cor., I., 269.

land Assembly adopted Pennsylvania's tactics. The land-tax was again the bugbear, and the Governor and his council were forced to reject the first proposal to grant £40,000. At this period Maryland and Pennsylvania had the same controversies, but the tax proposed in Maryland was quite different from the so-called "pound-tax"¹ of Pennsylvania. For instance, the latter included all the Proprietaries' personal and real estate in the province, which was taxed and assessed according to its value, *i. e.* at the rate of 12d. per £, by such assessors as the people should elect. Maryland, on the contrary, proposed a specific tax of 1s. per hundred acres, which embraced the Proprietary manor and reserved lands,² but excluded the vacant lands. The Lower House even receded from this, as we have seen, and agreed to tax only those parts of his lordship's reserved lands which were actually leased out and paid a rent; the remainder being classed with the vacant lands. Thus Maryland's proposition was different from that of Pennsylvania and far more reasonable. Nevertheless it was treated with more indifference by Lord Baltimore than was shown by the Penns.³ This may partly account for the easy victory which the Assembly gained over the administration in March, 1756, for a solution of the difficulty was forced upon Governor Sharpe by Frederick's indecision. In truth, Maryland scored a victory before her neighbor, and her example reacted by way of encouragement upon Pennsylvania. In the meantime William Denny had succeeded Morris as Governor of Pennsylvania.⁴ The Assembly tried its persuasive powers upon him with a bill to grant £100,000 for the King's service, including in its provisions a tax upon the estates of the Proprietaries. This bill was rejected; but Governor Denny

¹ *i. e.* 12 pence per £, and 20 shillings per head.

² See above, p. 50, note.

³ For as soon as the Penns received Gov. Morris's letter of July 30, 1755, they ordered a contribution of £5000. Pa. Col. Records, VI., 730.

⁴ August, 1756.

was more plastic in the hands of the Assembly than Morris and in due time they were able to win him to their own schemes.

Benjamin Franklin was at this time a leader in the Assembly. So powerful was his influence and so effectually did he champion the views of the Assembly that he was even accused by the administration of trying to take the government out of the hands of the Proprietaries. It was now determined to send a representative to England to present their grievances, and Franklin was selected² as the fittest advocate to exonerate the Assembly before Parliament and expose the "Iniquity of the Proprietary Instructions." He arrived in London July 27, 1757, and wisely resolved to see the Proprietaries first. Before them he laid the complaints of the Pennsylvanians, the most important of which, we remember, was the question concerning the taxing of the Proprietors' estates. Franklin was referred to their solicitor, Ferdinand John Paris, "a proud, angry man," as Pennsylvania's representative termed him. Franklin refused to deal with any one but the Penns themselves. His petition was referred to the Attorney-General for the latter's opinion. What the Attorney's opinion was, if he gave any, Franklin never learned, but about a year later the Proprietaries "sent a long message to the Assembly," says Franklin, "drawn up and signed by Paris, reciting my paper, . . . giving a flimsy justification of their conduct, adding that they should be willing to accommodate matters if the Assembly would send out some person of candour to treat with them for that purpose, intimating thereby that I was not such."³

In the meantime Governor Denny had yielded to the pressure upon him; he had been persuaded by the Assembly to pass an act,⁴ wherein the estates of the Proprietaries were

¹ Pa. Col. Records, VI., 739.

² Feb., 1757.

³ Franklin's Works, I., p. 298 (J. Bigelow edition).

⁴ For £100,000, passed in April, 1759. The estates of the Proprietors were assessed and taxed by assessors of the people's choosing. By this

taxed in common with those of the people. This was the grand rallying point of all their disputes, and now that the Assembly had carried the provincial administration with them, instead of responding to the message of the Proprietaries, they sent over the act itself for confirmation. The Proprietaries determined to prevent it from receiving the royal assent and employed able counsel to argue their case. Franklin now appeared before the Board of Trade¹ to defend the Pennsylvania Assembly, but they reported unfavorably upon the act. However, the act was afterwards reviewed before the King in Council, and through the aid of Lord Mansfield the report of the Lords of Trade was reversed.² Indeed, the Assembly had anticipated the order of Council by the levy of one year's tax under the act in question. Pennsylvania's victory over her Proprietaries was decisive.

Act the Proprietaries were subjected to the same taxes as were laid upon other lands by the several Acts that were passed after 1754. The Act was to continue for twelve years, and it was estimated that within that time the Lords Proprietary would be made to pay about £72,000.

¹ May, 1760.

² Franklin's Works, I., p. 300 (Bigelow's ed.). Bancroft's United States, II., 529-530.

CONCLUSION.

DAWN OF INDEPENDENCE.

From Governor Sharpe's correspondence we learn the real motives of the Assembly's actions. His letters to his own brothers, in particular, contain calm and disinterested surveys of Maryland politics at that time. It is clear that Maryland failed in the duty she owed her sister provinces and the mother-country, and were there no circumstances to explain this fact her behavior would be inexcusable.

Indifference and "unseasonable parsimony" are the first causes that occur to us. It was with the greatest difficulty, we remember, that the province was brought to a sense of her danger when the French were occupying the Ohio Valley, and not until Washington's surrender were they induced to vote a supply. They "looked on the incursions of their ambitious and insulting enemies,"¹ says Sharpe, "with the greatest indifference." The Assembly was excessively frugal and they objected to being burdened with taxes. Only small sums were voted, and when to save appearances apparently liberal bills passed the Lower House they were clogged with provisions that prevented them from becoming laws. This is also seen in the unwillingness of Maryland to take any aggressive steps or to carry war outside of her own territory. All that was done was confined to the defense of the frontier and the fortification of the province against invasion. The Assembly would pass no effective militia law nor provide equipment for the provincial troops, and it not only refused to allow its troops to go beyond its own borders except in the pay of Great Britain, but also neglected to support the garrisons within the province. When in 1758 the French with-

¹ Sharpe Cor., I., 109.

drew from the Ohio Valley and the Southern colonies were out of danger, Sharpe wrote to Baltimore: "As the Inhabitants of the Province . . . are not ambitious of acquiring a Reputation for Zeal and exemplary Loyalty, they seem to be very indifferent about the Event of the Campaign."¹ We may even go a step further and say that the Assembly or many of the leading men acted disloyally, for the Governor, in his efforts to raise money from the people by private subscriptions, was opposed by the Burgesses, who endeavored to persuade the people that if money were raised by such methods they must expect to do without Assemblies and abide by ordinances rather than "Laws made . . . with their own consent." "With the empty sounds of Liberty and Priveledge," says Sharpe, ". . . these Tribunes impose on the weak minds of the people . . . while . . . they effectually contribute to their Destruction." The refusal of the Assembly to support Dagworthy and his company at Fort Cumberland and the reduction of the already small provincial force to 300 in 1757 seem inexcusable. One member of the Assembly, it is said, went among the soldiers and told them that since no money had been raised to pay them they were not obliged to continue in the service, and that if they did the Assembly would never agree to pay them. Moreover, their treatment of royal requisitions and their conduct toward the Roman Catholics showed clearly their temper towards all dictation. The system known as "Crown Requisitions" was imposed by the English government upon the colonies at an early date. It was the first scheme introduced by the Crown to raise money in the provinces for the conduct of border warfare. A royal requisition to each Governor prescribed the quota of men and supplies expected. The system was obnoxious to the colonies, and especially to Maryland, for the charter of the latter contained ample provisions against royal interference with the autonomy of the province. Requisitions were sent to Maryland as early as

¹ Sharpe Cor., II., 397.

1694, but, despite their imperative character, they were commonly received with indifference and met a dogged resistance. Maryland held that "no taxes or imposition of any kind could be laid without the assent of the General Assembly," and the Assembly endeavored to prevent any infraction of this chartered privilege.¹ Even during the suspension of Proprietary government (1689-1715) the Royal government only obtained its levies with the consent of the Assembly. Maryland pursued the same policy during the French and Indian War, as we have seen. The plan for a general union of his Majesty's northern colonies for defense and the "common fund" had both failed. Braddock's requisitions were treated with contempt, and he not only received but little assistance from Maryland and Pennsylvania, but was hampered by them besides. Maryland failed to support properly the small company furnished for his expedition,² and repeated mutterings of discontent were heard from the people and in the Assembly against Braddock's troops for their unscrupulous conduct in appropriating at will large numbers of servants, carriages and horses. Some of the governors applied to England for an act of Parliament to compel the colonies to contribute their quotas, and Calvert, Baltimore's secretary, wrote Sharpe the warning: "it wo^d be Best the Americans did not Subject themselves to Tax from hence"³—a threat rash and unheeded, as subsequent history proves. Governor Sharpe again brought forward his pet idea of a general poll-tax enforced by Parliament, for he was convinced that nothing but a compulsory act by Parliament could "effectually preserve the Colonies from ruin."⁴ While the disputes with the Proprietary explain largely the apathy in Maryland toward the mother-country, it does not account for it fully. The province was

¹ As early as 1698 Maryland maintained that no law of England should be binding upon them without their consent.

² Sharpe advanced £100 from his own pocket for the purpose. Sharpe Cor., I., 245.

³ Sharpe Cor., I., 135.

⁴ Sharpe Cor., II., 85-86.

always jealous of her rights, and the charter was the standard by which she measured her independence of England. Maryland enjoyed most of the privileges of a sovereign state and acted accordingly. It is evident from the legislation of the House of Commons that Parliament was much incensed at the behavior of Maryland. In 1756 (February 3) a grant of £95,000 was made to the "Plantations in North America;" but in the distribution, Virginia, Maryland, Pennsylvania and the two Carolinas were excluded the benefit. Calvert gave the reason to Sharpe in these words: "The Construction had and held of them Province is, they have fail'd of that just regard and not complying to his Majesty's Secy of State, therefore the Legislature here think them at present not of notice to His Majesty."¹ Furthermore, Lord Loudon, when he became commander-in-chief of the American forces (1756-1758), was not able to command the respect and obedience of Maryland's Assembly. They did not listen to his requisitions and scorned all dictation. Contrary to his orders, they resolved to withdraw the garrison from Fort Cumberland, on the frontier of the province, and reduce their force to 300 men; at the same time they refused to allow any Maryland troops to leave the province under his command except they be in his pay. By such legislation the frontier was left ill-protected, and the province would have been in great danger had the French at Fort Duquesne manifested any activity.

With the accession of the Pitt ministry in England in 1758, and the appointment of Amherst to the command of the British forces in America, the tide turned. General Forbes was placed in charge of an expedition against Fort Duquesne, with instructions to secure the active coöperation of the Southern colonies. But the attitude of the Assembly reflects great discredit upon the province. They had refused to maintain the garrison at Fort Cumberland, and the troops, having been without pay for eight months,

¹ Quoted as it stands in the Records. Sharpe Cor., I., 370.

or not having "fingered any money," as Sharpe put it, were on the point of disbanding. In order to keep this force together until the close of the campaign General Forbes was obliged to take the 300 men stationed at Fort Cumberland and Fort Frederick into his own pay and advance £1500 for their support upon the credit of the province. In this way they were kept from starving and remained a part of Forbes's army until Fort Duquesne was reclaimed.¹

After much persuasion the Assembly promised to reimburse Forbes for his advances, but this resolution does not seem to have been fulfilled. Upon the occupation of Fort Duquesne warfare in the south was practically over, and General Amherst, with his aides, Generals Johnson and Wolfe, conducted the war to a successful close in the north; Canada was captured by the British, but without any assistance from Maryland. The entreaties of Pitt and Amherst were of no avail, and Sharpe had to resign himself to the consciousness that the Assembly must be left to its own course.

The treatment of Roman Catholics is an unsavory subject in Maryland history. During the French and Indian War the persecution of this portion of the population continued. Every possible pretext for bringing in bills to restrict their liberties and "prevent the growth of Popery" seems to have been seized upon. Fortunately, however, many of these bills never got beyond the journals of the Lower House. If perchance a person of this faith had secured an appointment to a responsible position a protest would be made "against favors shown to Catholics." Charges were made that they were in collusion with the French, but most of these charges, happily, proved to be malicious lies concocted for the purpose of creating a prejudice against the Roman Catholics. So strong was the sentiment against them that members of the Assembly failed of

¹ Nov. 25, 1758.

reelection on account of their opposition to bills affecting the Catholics. In response to the petitions of the Lower House Sharpe pronounced their behavior "unexceptionable" and said it would be hard to take any measures that might be called persecution.¹

In 1756, when the vote of £40,000 was passed, a double tax was placed upon the lands of all Roman Catholics; to this there was little objection on the part of the administration, for the reason that Catholics were excused from attending "Musters as Militia."² Their petitions to Sharpe to veto the bill and their threats to appeal to the King in Council had no effect. Governor Sharpe, though he confessed that he did not think it so great an injustice, would have prevented the double taxation if he had been able. In the same year in which the double taxation was imposed it was even proposed in the Assembly to disarm all Roman Catholics in the province, and the opposition to this obnoxious measure only prevailed by a slender majority of one.³ Sharpe's conduct is to be highly commended, for though a Protestant he never allowed himself to be carried away by the intolerant spirit that prevailed. The Governor defended himself against all charges of favoritism in a frank and commendable manner, conscientiously opposed all attempts of the Assembly to persecute the Catholics, and refused to sanction any acts affecting them which were unreasonably severe. Yet, withal, we find no disloyalty among the Catholics. Rather is their treatment a reflection of the character of the Assembly itself and an indication of the general apathy that prevailed in the province in regard to the issue of the struggle for Canada. Instead of spending all its energy to restore the security and dignity of Maryland, the Assembly wasted much of its valuable time in false charges

¹ Sharpe Cor., I., 408. Sharpe, though a Protestant himself, said that they were really better than the Protestants.

² Sharpe Cor., I., 419-20.

³ The vote stood 19 to 18. Assem. Proc., Sept., 1756.

and in the passing of laws against the "Papists," attempting to make them, as it were, a subterfuge to shield its own inactivity. We are not surprised, therefore, that Sharpe, as did others, harped incessantly upon the idea of an act of Parliament to compel the colonies, in particular Maryland and Pennsylvania, to help themselves. General Forbes's admonition, "Great Britain will not be blind to their Behaviour . . . on this occasion," was verified in 1765. When, in 1766, Maryland was called to account by the House of Commons, the task of defending her conduct fell upon Franklin, who explained it away as best he could.¹

Opposition to Proprietary rule existed from the very beginning of the province. The people at the start took the law-making power out of the hands of the Proprietor, to whom it was given by the charter; the wisdom of the first Proprietor made him yield to a compromise that was unavoidable. This attitude of the Assembly developed by 1739 "a Political Faction," which opposed the Administration in everything. The Assembly of that year may be truly called an Assembly of grievances.

From henceforward, "no Supplies without redress of grievances" became the rallying principle, and the French and Indian War gave them a glorious opportunity to enforce this principle and extend their encroachments upon his lordship's prerogatives. The Assembly, however, carried their disputes to an extreme not warranted by the grievances themselves, as we have seen in the quarrels over the port duty and the tobacco tax. Many of the burgesses seem to have lost their heads and to have exhausted their powers of logic in their attempts to right fancied wrongs. Again, in the paper money controversy they took a weak stand, and if the Assembly had been given a free rein it would have greatly depreciated the currency of the province. Subservi-

¹ Franklin took the view that Maryland's backwardness was the fault of her government and not of her people. Franklin's Works, III., pp. 425-6 (Bigelow's ed.).

ence to the example set by Pennsylvania, permitting the people of the frontier to suffer from constant depredations, allowing the troops to starve without more effective measures of assistance, were evidences of an attitude on the part of the Assembly far from commendable, and Maryland was justly called to account for perverting such an opportunity to the attainment of selfish and ambitious ends.

Something can be said, however, in favor of the independent attitude of Maryland's Assembly. Frederick Calvert's imbecile conduct proved him a man unfit to rule a great province. The Assembly had acquired large privileges which by the charter belonged originally to the Proprietor. Possibly these were gained more by force than by right, but it meant to retain them forever. Out of feudal elements had developed a government by the people too dear to English ideas of independence to be relinquished.

Consequently when Frederick began to interfere with these acquired rights of the province he was unconscious, or if conscious, indifferent to the mistake he was making. He objected to the appropriation of ordinary licenses for the expenses of the war, although his predecessor Charles had readily assented to such appropriations for public purposes on less imperative occasions. He instructed his Lieutenant-Governor to object to the duty on convicts for fear of a censure from the Crown, although previous to this the right to prohibit their importation altogether had been recognized and assented to. The attempt to interfere with the Assembly's taxing powers, which was dictated by a selfish regard for his own interests, made Lord Baltimore very unpopular. Furthermore, his unwillingness to give the grievances of his people a fair hearing, his efforts to smother petitions to the Crown, aggravated the feelings of the provincials and made them all the more determined to resist Proprietary rule. His liberality was again put to the test in 1756 when the Assembly proposed to tax his estates; the result we have already seen. Maryland was less radical than Pennsyl-

vania, and had Frederick even manifested the liberality of the Penns he might have saved his estates. He was a heavy loser by the war, as Sharpe constantly pointed out to him, and economy as well as justice seemed to dictate a generous policy. But here the Proprietary was at fault again, and the Assembly persisted in its schemes.

The design of the Assembly was to limit the authority of the Proprietary in the province and transfer it to the representatives of the people. And Governor Sharpe says of the legislation of the Lower House that it "manifestly tended to deprive the Government of all Power and to throw it entirely into the hands of the People as it is in Pensilvania."¹ This spirit of aggression was not new; it had only been intensified by the indifferent conduct of their Proprietor. Why did Frederick not visit his province nor concern himself about its difficulties, nor inquire as to whether or not the province was able or ought to bear alone the burden of protecting his property? It was because he cared so little for it. Is it any wonder, therefore, that "the Lower House," as Sharpe says, "seemed to be determined to grant no Supplies unless they could at the same time carry certain points which tended to subvert in a great measure the Constitution."² No doubt Governor Sharpe's pet term for the Lower House—"a Levelling House of Burgesses"—is an apt one, for they were scheming to belittle and perhaps overthrow their Proprietary government. Frederick's policy was calculated to help rather than hinder this design; it created discord which might have been avoided, and invited the interference of the English Crown in the affairs of the province.

It seems to have been the intention of some of the leading men of the Assembly to play the colony into the hands of the Crown. The object for doing such a thing may be surmised; under Royal government the Assembly anticipated a monopoly of the provincial administration. The events of the next few years show their mistake.

¹ Sharpe Cor., II., 177.

² Sharpe Cor., I., 391.

Of the indications that point to such a design several are important. Doubtless the remembrance of the Royal government in 1715 was still fresh in mind, and the Assembly thought the Crown a safe retreat from the rule of the Proprietary. We have already seen what an effort the Lower House made in 1739 to petition the king to redress their grievances. Again, in 1756, the Assembly attempted to have their grievances brought before the King in Council, and desired an agent in London to represent them. Lord Baltimore did his utmost to repress anything of this sort, for fear that it "would plunge him into a Sea of Trouble."¹ This opposition increased their hostility towards Proprietary government.

It was Sharpe's belief that it was the object of the leading men of the Assembly "to throw things into confusion" and thus exempt themselves and their constituents from all taxes. Beyond a doubt there was a strong desire on the part of many to bring about some interference on the part of the Crown which would be disagreeable to the Proprietary. Many supply bills were framed by the Lower House "to save appearances" and throw the odium of rejecting them upon the administration, thereby making it appear, to use the Governor's words, "that it is entirely owing to the Government of Maryland and Pennsylvania being in the hands of Proprietors that money for His Majesty's Service is not so readily granted in these Provinces as in other Colonies."² Notwithstanding Sharpe's prediction of the approaching fulfillment of the proverb "which tells us that after a Storm cometh a Calm," the Lord Proprietary was dubious of the attitude of the Assembly toward him. This is clearly evinced by the base scheme which Calvert now proposed to Sharpe.

It was a design for bribing the Assembly, his plan being to repress a "Turbulent and Malevolent Spirit in the Lower

¹ Sharpe Cor., I., 401.

² Sharpe Cor., II., 179.

House of the Assembly." After advising Sharpe to be careful of his appointments to the Council, the "chief strength and support of his Lordship's rights," he explains that nineteen out of twenty of the Representatives of the people consult their own interests; "therefore by throwing out a Sop in a proper manner to these noisy animals it will render them not only silent, but tame enough to bear stroking and tractable enough to follow any directions that may be thought fit to be given to them."

Calvert's scheme was not to bribe the leaders but to buy off their followers. It is briefly as follows: Of the fifty-eight members of the House he would find "baits" for thirty. These "baits" were to be offices in the gift of the Administration, as the fourteen sheriffs' places, and others. At the beginning of each Assembly, which continued for three years, a majority of the members of the House were to be quietly promised an office on the expiration of their terms, provided they were favorably disposed toward the Proprietary and voted as the Administration dictated. By such a plan the Proprietary government hoped to silence "the pretended patriotic Spirit and clamour of the Lower House, and secure the harmonious working of the various branches of the Provincial Government like unto the wheels of a clock." Numerous details are prescribed in Calvert's letter¹ for the perfecting of his scheme. The essence of it only is sufficient for our purpose, that is, to reflect the character of the Proprietary at this time. Governor Sharpe's reply to this proposition illustrates well the integrity and firmness of a man who has been much misrepresented. While admitting it to be good policy to reward those who manifested a good disposition toward the government, he proves the utter impracticability of the scheme proposed. "Scarcely a member in the House," says the Governor,

¹A secret letter from Calvert to Sharpe. Sharpe Cor., II., 375-380 (from the Calvert Papers).

"would thank me for bestowing such Offices on themselves or their Friends even without its being made a Condition that they should . . . give only one Vote contrary to their Inclinations." The attempt to execute such a design would have rendered the Proprietary government more odious to the people than ever, and the enemies of the government would have prevented it by legislation, though it is exceedingly doubtful if any of the members could have been ensnared into sacrificing their popularity and reputations for any such consideration. Never, probably, in the history of the province was a more foolish suggestion made to its Governor. Sharpe makes this very plain to Frederick's secretary, and takes the opportunity of observing again that too much dictation on the part of the Proprietary and his friends in the matter of appointments had already greatly handicapped his administration.¹ The moral rebuke which Sharpe administers to Calvert is well worth quoting: "The only way . . . for His Ldp to obtain a solid and lasting Influence . . . is to appear steady and resolute, to reward as far . . . as it is in his Power those who behave themselves well, but never bribe any of those who endeavour to carry their Points by Violence to desist or forbear; Let His Ldp and those in Authority under him pursue such Measures as they will always be able to justify and in the End I will engage that a vast Majority of the Upper Class of People will become Friends to His Ldp and well wishers to his Govern't."² These indications point to the fact that the province was seeking, or meditating at any rate, relief from Proprietary rule. Had not the cessation of hostilities soon restored the equilibrium of the government, it is difficult to surmise what might have happened.

If we look away to Pennsylvania at this time we find a very similar state of affairs. In responding to appeals for

¹ Sharpe Cor., II., 426-431.

² Sharpe Cor., II., 430.

supplies the Assembly continued to tax the estates of the Proprietaries. This called forth renewed opposition from the latter, and the people became so highly incensed that steps were taken to do away with the Proprietary government. It was determined to petition the Crown to purchase the province from the Proprietors and make it a Crown colony. Franklin was again appointed the provincial agent to convey the petition and urge the measure before the Ministry in London. With that object in view he sailed for England, November, 1764. The rupture with Great Britain, however, culminating the next year in the Stamp Act, soon subordinated all other questions, and Franklin exercised an influence little anticipated, becoming not merely the agent of his own province, Pennsylvania, but really the representative and defender of all the colonies.

Though Maryland did not go so far as Pennsylvania, and indeed had little occasion to, yet the applause given to the acts of her sister province indicates that very little interference would have been sufficient to drive her to a similar step.

Down to this time there had been no desire on the part of the colonies for union or independence of England, and there was no concerted action before 1765 for such a purpose. The colonies were at variance in their government, and the long distances between centers of population had prevented much intercommunication. All unity of action was merely sympathetic coöperation for defense. Indeed, the colonies had no grievances against the English Crown except the Navigation Acts. Maryland, in fact, did not come into contact with the Crown, for the latter had no taxing power over the province. The provincials were so pleased with the overlordship of the Crown that they made the mistake of supposing that Maryland would be better off as a Royal colony than as a Proprietary colony. The Assembly's reception of the report of Maryland's two commissioners to the Albany Convention was significant: "We do not conceive those Gentlemen were

intended or impowered to agree upon any Plan of a proposed Union of the several Colonies . . . of which one General Government may be formed in America". . . .

After the close of the French and Indian War Great Britain's oppression changed entirely the phase of colonial affairs. The Stamp Act was the first direct menace of the liberties of the colonies. Aside from mere economical considerations, Great Britain doubtless had strong motives for the passage of such an act,—a desire to revenge the tardiness of the colonies in the late war and to remind them of her supremacy over them; but it was soon seen that the ministers who had favored such measures had made a mistake and an undue assertion of authority. Union was now felt to be a necessity for the preservation of their liberties. All other disputes and grievances were laid aside for the time; the provincials united for resistance, and Franklin was put on the defensive in London. The French and Indian War had been a general preparation, and the provinces, despite the backwardness of many of them, had at least learned the lesson that coöperation was necessary in all international struggles, and the only effective method of opposing dangers which threatened all alike.

Maryland had learned the lesson too, and manifested her willingness to unite with her sister colonies at this momentous period. The province had developed a spirit of aggression and resistance to Proprietary rule. We have seen how jealously the Assembly guarded the revenues of the province, and how they opposed all attempts of the Proprietary to infringe their taxing powers when once acquired. Similar attempts by Parliament to interfere with the "franchises" and "liberties" of the colonies finally led to their independence.

VIII-IX

QUAKERS IN PENNSYLVANIA

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History—*Freeman*

TENTH SERIES

VIII-IX

QUAKERS IN PENNSYLVANIA

BY ALBERT C. APLEGARTH, PH. D.

BALTIMORE
THE JOHNS HOPKINS PRESS
August and September, 1892

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JOHN MURPHY & CO, PRINTERS,
BALTIMORE.

QUAKERS IN PENNSYLVANIA.

I.

QUAKER CUSTOMS.

Many centuries have been buried in the oblivion of the past since Pindar made his famous declaration that "custom is the king of all men." Although its author has long since passed away, succeeding ages have attested the correctness of the principle thus formulated. It is universally recognized that custom dominates the world of the present day; and it has to be conceded that it occupied a position of equal pre-eminence in the 17th century—at the period, when the Society of Friends emerged from obscurity, and attained a clear cut, well-defined existence. Although the adherence to their peculiar practices was primarily the cause of their persecution, yet bribes or tortures proved equally unavailing to induce them to relinquish their approved forms of speech, or to change their manner of life.

The Quakers were quick to perceive the vanity underlying most of the customs and habits prevalent in their day; hence their determined opposition. By this sect, Christianity was regarded as a heavenly dispensation; consequently its adherents contended that their faith should liberate them from the ostentation, insidious ceremonies, and other frivolities, unfortunately so common at that period.

For titles, and worldly honors generally, the Society always entertained special aversion. Its members strenuously refused to render any obeisance whatever to any distinctions of rank or honor. An instance is on record where William Penn was once accosted as *Lord Penn* in the Colony of Pennsylvania. To evidence their great displeasure at such unwarrantable procedure, the Assembly promptly ordered the practice to be discontinued, and a fine was imposed on the transgressor, presumably to stimulate his memory in the future. When addressing King Charles II, Penn never referred to him as "His Majesty," but always as "*Friend Charles*;" and the monarch, either in his characteristic spirit of levity or mockery, styled the son of the admiral, "*Friend William*." This principle also regulated their intercourse with the provincial authorities, who were always addressed in the plain and unvarnished language of Quakerism. The Friends, however, in this respect, were occasionally compelled to make some slight concessions. For example, when a formal petition was to be presented to the Crown, of course the usual phraseology had to be employed. But, in such cases, the majority of the Assembly were ever careful to pacify their consciences by appending to each address a declaration proclaiming that, although its substance received their approval, yet they "excepted against some of its style."

The Quakers even discarded the use of the ordinary Master or Sir in conversation and correspondence. A writer, who allows himself to become indignant over what he regards as such an insignificant matter, declares, "though they will not call anybody Sir or Master, they call everybody '*Friend*,' although it is evident that, to a stranger, this must be mere civility, like the words they reject, and to an enemy, must approach nearly to insincerity." The Friends, however, were fortified in their position by what they apprehended to be the irrefragable teaching of the Scriptures, hence they continued steadfast in their opposition to the established custom. They contended that the Bible nowhere contained any such expres-

sions as "My Lord Peter," or "My Lord Paul," consequently they agreed that all titles were to be promiscuously rejected. The Quakers, declares Penn, "affirm it to be sinful to give flattering titles, or to use vain gestures and compliments of respect—though to virtue and authority they ever made a deference; but after their plain and homely manner, yet sincere and substantial way; well remembering the example of Mordecai and Elihu; but more especially the command of their Lord and Master, Jesus Christ, who forbad his followers to call men Rabbi, which implies Lord and Master."¹ In another place, the language of the author, just quoted, is as follows: "Though we do not pull off our hats, or make courtesying, or give flattering titles, or use compliments, because we believe there is no *true* honor, but flattery and sin in the use of them; yet we treat all men with seriousness and gentleness, though it be with plainness, and our superiors with a most awful distance; and we are ready to do them any reasonable benefit or service in which we think real honor consisteth."² The Quaker creed then, in this particular, was to revere principles and not titles or worldly pre-eminence. They honored "all men in the Lord," but "not in the spirit and fashion of this world that passeth away." "They," truly testified the great Oliver Cromwell, "are a people whom I cannot win with gifts, honors, or places."

In conformity to the approved custom of the Society, when William Penn became a convert to Quakerism, he positively refused to take off his hat to any one. His courtly father, being exceedingly provoked at what he deemed such unreasonable conduct, tried to conciliate the youthful proselyte. He proposed a compromise, that his son should only uncover his head before three persons; to wit, the king, the duke of York, and last, but by no means least, the Admiral himself. But even this apparently innocent concession William positively declined to make. He declined to remove his hat even

¹ *Rise and Progress*, 32.

² *Select Works*, V, 26.

in the presence of his father because, as Mr. Grahame expresses it, "he refused to lay even a single grain of incense on what he deemed an unhallowed altar of human arrogance and vanity."¹

It is related that George III, when he granted an audience to the Quakers, took care to save their honor, and at the same time spare his own royal feelings, by stationing at the door of the chamber an extra groom, whose sole duty was to remove the hats of the visitors as they approached the monarch. Such, indeed, was the obstinacy of the Friends in retaining their head gear, that one writer, in evident exasperation, declares that "their virtue lies in their hats, as Samson's did in his hair." In the archaic language of George Fox, however, it was not permissible for an individual to "bow, or scrape with his leg to any one." In the year 1705, the privilege of wearing their hats in all courts of judicature in Pennsylvania was taken away. And it was accounted an occasion of special jubilation among the inhabitants of the Colony when their invaded right was subsequently restored by Governor Keith.

The Friends even retained their hats in their religious gatherings. They did this simply because they did not regard their houses of worship more holy than any other place. The women, however, when the Spirit moved them to preach, uncovered their heads. It appears also that all hats were removed during prayers. At an early date, it had been officially decreed that "it hath seemed good to the Holy Ghost, and to us, in the performance of public prayers to the Lord, to pull off our hats." During prayers it was also customary for the audience to stand. But these were only a few of the peculiar features exhibited by their meetings for worship. The men, as a rule, sat on one side of the house; the women occupied the other. As they possessed no designated or specially ordained preacher, the absence of the pulpit desk was conspicuous. As there might be, however, several voluntary speakers, a long plat-

¹ *Col. Hist. of U. S.*, I, 494.

form was erected in front of the congregation. Here sat the ministers, the men facing the males in the audience; the women, the females. Any one, who considered himself "moved thereto" had the privilege of addressing the assembly. No lines of demarcation were ever drawn between the male and female exhorters. And when the Quakers were hard pressed with the Pauline text relative to women preachers, they would naïvely reply, "Thee knows Paul was not partial to females."

In the early times, potentates, and rich men generally, were addressed in the plural; that is, as *you*, while persons belonging to the lower walks in life were almost invariably referred to as *thou*. The Society of Friends, abhorring all such artificial and invidious distinctions, condemned this custom as unchristian. They determined to address everyone alike in the singular number. Then no one could accuse them of partiality. This, as Fox assures us, was a "sore cut to proud flesh," and doubtless he spoke truly. "This, among the rest," writes William Penn, "sounded so harsh to many of them, and they took it so ill, that they would say, 'Thou *me*, thou my dog. If thou thou'st *me*, I'll thou thy teeth down thy throat,' forgetting the language *they use* to God in their own prayers, and the *common style* of the *Scriptures*, and that it is an *absolute* and *essential* property of speech."¹ The Quakers regarded the use of the plural number as obsequious flattery and adulation, hence their determined opposition to it. Their persistency in this matter, however, called down storms of indignant wrath and trenchant censure upon their devoted heads. A certain Mr. Jeffrey contemptuously declared, "If 'you' was applied to negroes, fellows, toad-eaters; how could the use of this pronoun be stigmatized as flattery?" He then affirms that to employ always the singular "Thou" would be just as reasonable as to talk always of our *doublets* and *hose*,

¹ *Select Works*, V, 223.

and eschew all mention of *coats* and *stockings* as fearful abominations.

The Quakers likewise rejected the custom of saying, good-night, good-morning, good-day, or passing the other ordinary compliments of the season. Penn excuses such behavior by alleging that "they knew the night was good and the day was good without wishing of either," hence these phrases were regarded as mere useless words, which the Friends always abhorred and endeavored to avoid. "Besides," continues Penn, "they were words and wishes of *course* and are usually as little *meant*, as are *love* and service in the custom of cap and knee ; and superfluity in these, as well as in other things, was burdensome to them ; and therefore they did not only decline to use them, but found themselves often pressed to reprove the practice."¹

The members of the Society always recommended silence by example as well as by precept. They rarely employed more words than were absolutely necessary to convey the intended meaning. Penn earnestly advised his brethren and sisters in the faith to "avoid company where it is not profitable or necessary ; and in those occasions, speak little ; silence is wisdom, where speaking is folly."² Idle words and unprofitable conversation were considered as a waste of valuable time ; or worse still, as inconsistent with the serious hopes, duties and responsibilities of professing Christians. The Quakers firmly believed in the wisdom of the Royal Sage, that "in all labor there is profit ; but the talk of the lips tendeth only to penury."³

Discarding the employment of all formalism, alike in their religious services and in their private life, it is not an occasion of surprise when we discover that the Quakers rejected the practice of saying grace at the table. When their meals were served, all those assembled around the board assumed a

¹ *Select Works*, V, 223.

² *Ibid.*, V, 134.

³ Proverbs, XIV, 23.

thoughtful attitude, with bowed heads, and maintained a rigid silence for several moments. If, during this interval no one appeared to be moved to make any utterance, they proceeded to attack the viands placed before them without additional ceremony.

The Society of Friends always entertained unmistakable aversion to games of chance—indeed, to every variety of gambling, and measures looking towards the final suppression of this iniquity were early adopted. In the Great Law of Pennsylvania, for instance, it was declared, “that if any person be Convicted of playing at Cards, Dice, Lotteries, or such like enticing, vain, and evil Sports and Games, such persons shall for every such offence, pay five shillings, or Suffer five Days Imprisonment (at hard labour) in the house of Correction.”¹ But the Quakers, in their sectarian capacity, were urged to go farther. They were advised to shun even the appearance of evil, and to rigorously exclude from their possession any article that could be employed for the purposes of gambling. Despite these statutes and earnest admonitions, however, the investigator will discover that many packs of cards were annually imported into the Colony, and that too by members of the Society in high standing. In explanation of this apparent discrepancy, it will be sufficient to remark that these “devils’ books” (as they were then stigmatized by individuals of pronounced religiosity) were intended for entirely different employment from that prohibited by the Colonial Legislature. Prior to the American Revolution, broadly speaking, the bits of pasteboard, which we now denominate visiting cards (by courtesy), were not known in Pennsylvania. Consequently a substitute had to be invented. And to supply this deficiency, playing cards were largely imported and extensively circulated. But they were also necessary for still other purposes. In those days their backs were entirely blank, utterly destitute of the present attempts at ornamentation, and on the spaces thus

¹ Linn, *Charter and Laws*, p. 144.

left vacant were imprinted invitations to receptions, tickets of admission to entertainments, and other matter of a similar character.

Other methods of diversion, which the consensus of opinion of the fashionable world agreed in regarding as innocent and even beneficial, were likewise included under the ban of Quaker displeasure. The ancient philosopher Plato constantly impressed upon the minds of his disciples the debasing character of certain kinds of music; but the good Friends, in this respect, far surpassed their illustrious prototype, for, with some trivial exceptions, they anathematized music in general, and denounced it as invariably corrupting in its tendencies. In the estimation of the founder of the Society, George Fox, such things were too redolent of the sensuous, the frivolous, the false, and the dissipated, to be admitted into the houses of professing Christians. But this aversion, apparently, was not peculiar to, or characteristic of, the Quaker sect. As early as the year 1536, the English Puritans had presented a formal protestation to their king, emphatically declaring "the playing at the organyes a foolish vanity." And the Friends, to this extent at least, following in footsteps of their dissenting brethren, strenuously opposed the introduction of musical instruments into their residences or meeting houses. Fox unhesitatingly affirms—and the majority of the inhabitants of Pennsylvania coincided perfectly in the opinion—"I was moved to cry against all kinds of music, for it burdeneth the pure life." It was "carnal wisdom to know music," and "fleshy exercise" to sing. But to prevent any misunderstanding, the erudite Barclay, in his *Truth Cleared of Calumnies*, essays to present the precise status of this most interesting question. "That singing is a part of God's worship, and is warrantably performed amongst the saints," he writes, "is a thing denied by no Quaker so called, and it is not unusual among them, and that at times David's words may be used as the Spirit leads thereunto." He proceeds, moreover, to explain that the principal objection of the Friends to the use of vocal

music in their worship consisted in the fact that a "mixed multitude, known to be drunkards, swearers," &c., &c., sing, and that indifferently all descriptions of psalms and hymns. Such persons, he continues, by reason of their dissolute character, are eminently unsuitable to worship the Infinite Jehovah in this manner; and their doing so, logically argues our author, would simply "cause our worship to be a lie." From these allusions, it appears sufficiently obvious to the student of theological creeds that the singing here preferred was of a kindred nature to that indulged in by the General Baptists, which is to say, that of a single person. Thus, therefore, in the opinion of the Quakers, the saints alone might sing praise to God: concerning the wicked, the unregenerate, the Society had an abiding belief that it would be more appropriate for them to "howl for their sins."

As illustrative of their opinions concerning dancing, it will doubtless be sufficient to cite the following instance: In the year 1746, a certain Thomas Kinnett advertised to teach "the noble art of defence with small swords, and also dancing." Immediately upon the appearance of this notice, the Friends irately replied, that they were indeed "surprised at his audacity and brazen impudence in giving these *detestable vices* those high encomiums. They may be proved so far from accomplishments, that they are *diabolical*."

Field sports also came in for their full share of condemnation at the hands of the Society, owing chiefly to the suffering they usually produced. The netting of animals for purposes of sustenance, however, was always permitted. Indeed, the killing of them in any other manner was never actually prohibited—always provided, of course, that this was done with the object of supplying food, and not for mere self-gratification.

Being strenuously opposed to bloodshed of all descriptions, sanguinary sports were extremely repugnant to the Quakers. To the Friends, the only legitimate object of hunting and fishing was "that they may be accommodated with such

food and sustenance as God in His providence hath freely afforded."

To the theatre, determined opposition was made on the ground that it was a "corrupting agency." The objection appears to have rested, in addition to religious scruples, upon the supposition that it would encourage idleness, and draw large sums of money from "weak and inconsiderate persons, who are apt to be fond of such kinds of entertainments." The earliest mention, the writer has been able to discover, of a theatrical performance in the Colony of Pennsylvania occurs in January, 1749. In that year, a company composed of residents of the Province was suppressed by order of the authorities. After an interval of five years, however, an English company was licensed on the condition that their plays "be not indecent or immoral." The manager of the company was also required to devote the entire proceeds of one evening to the benefit of the indigent, and to become security for all debts or other obligations contracted by any member of his organization. The triumph of the theatre seemed to be attained in 1758, when an opera house was erected near the suburbs of Philadelphia, despite the relentless opposition of the Quakers. In the year 1759, a foreign theatrical company visited the metropolis of the Colony, and requested permission "to act their plays." The Governor allowed them to perform, under the proviso that the company should play one night for the benefit of the destitute in the Province. Most of the colonists, however, were united in their opposition to such "profane shows," and Judge Allen was nearly overwhelmed with petitions for injunctions to restrain the players. But this worthy, possibly entertaining secret fondness for such diversion himself, refused to interfere. Shortly after this circumstance, the Judge's wife suddenly died, and this domestic misfortune was regarded by many individuals as a suitable judgment upon him for affording protection to "profane stage players." The following year, that is in 1760, a law was enacted for the suppression of theatres. "Whereas," runs its phraseology,

“several companies of idle persons and strollers have come into this Province from foreign parts in the characters of players, erected stages and theatres and thereon acted divers plays by which the weak, poor, and necessitous have been prevailed on to neglect their labor and industry and to give extravagant prices for their tickets and great numbers of disorderly persons have been drawn together in the night to the great distress of many poor families, manifest injury of this young Colony and grievous scandal of religion and the laws of this government. Be it therefore Enacted, That every person and persons whatsoever that from and after the First day of January which will be A. D., 1761, shall erect, build, or cause to be erected or build any play-house, theatre, stage or scaffold for acting, shewing or exhibiting any tragedy, comedy, farce, interlude, or other play, or part of a play whatsoever, or shall act, shew or exhibit them, or any of them, or be in any ways concerned therein or in selling any of the tickets aforesaid in any city, town or place within this Province, and be thereof legally convicted in manner aforesaid shall forfeit and pay the sum of five hundred pounds lawful money aforesaid.”¹

Attempts at ornamentation were also viewed with grave suspicion, because they were deemed frivolous, and anything partaking of this nature, the Quaker believed to be injurious. The houses of the Friends were generally very plain, and almost entirely innocent of any sort of adornment or ostentation. Pictures for the decoration of their dwellings were used but sparingly. Wall paper was introduced, under protest, about the year 1790. Antecedent to this date, the reign of whitewash had been universal. Carpets were at this time deemed an undesirable luxury, for fresh sand was considered more healthful. But in the march of progress they had to come, and the year 1750 is given in the books as that of their

¹Seilhamer, *History of the Amer. Theatre Before The Revolution.*

advent. Sewel mentions a case where one gentleman, in his desire for simplicity, even banished from his fireside the luxury of a pair of tongs and substituted the primitive implement of a cloven stick.

The reforming hand of the Society was likewise laid on the ordinary names of the days and months. The Quakers, regarding these names as originating in mythological idolatry, discarded them as expressive of a sort of heathenish homage. Instead of these idolatrous appellations, a simple numerical nomenclature was therefore substituted. Henceforth the fourth day of the week, for example, was no longer to sport under the pagan name of Wednesday, but was to be known simply as fourth day.

The Quakers drank no healths. The Great Law of Pennsylvania expressly interdicted such "vicious" practices. The use of tobacco, in any form, was also strongly discouraged. Penn disapproved of either smoking or chewing, and he exerted himself in every possible way to terminate this "evil." A man who was discovered smoking on the street in the city of Philadelphia was fined 12 pence and admonished not to repeat the *offense*.¹ In addition to the moral, there appear to have been other important reasons, however, for this apparently arbitrary prohibition. In those early days, fire-extinguishing apparatus was in the embryonic stages of development, and conflagration constantly impended over every provincial town. Consequently the Quakers claimed that their prohibition was for the prevention of fire. In the year 1696, it had been enacted, "That no person shall presume to Smoke tobacco in the Streets, either by day or night and every person offending herein, shall forfeit for every such offense twelve

¹The practice of the Friends in this particular, however, appears to have varied slightly in different localities. Thus, in North Carolina the use of "the weed" was not entirely prohibited. In 1726, all the members of the Society in this Colony were "advised to keep out of the *excess* [the italics are the writer's] of meats, drinks, and apparel, and smoking and chewing tobacco."—Hawks, *Hist. of N. C.*, II, 325.

pence, all which fines shall be paid to the respective Justices of each town, for the use of each town, and are to be employed for buying and providing Leather Buckets & other Instruments or Engines ag^t fires, for the public use of each town respectively.”¹

In the economy of the Friends, privateering, speculations, smuggling and all traffic or even the mere handling of the munitions of war, came in for their full share of disapprobation. Translating their belief into practice the good provincials never hesitated to express their strong displeasure on the occasion of any military demonstration. In 1700, when William Penn returned to Pennsylvania, some of the ardent young men, in opposition to the direct command of the magistrates, ventured to salute the Proprietor with a salvo of artillery. The operation, however, was performed in such an unscientific manner that it resulted in severe injury to several of the individuals participating. That they received little sympathy, it is superfluous to add. On the contrary the majority of the inhabitants regarded their misfortune as a providential rebuke of a tribute so unsuitable to members of their community. Instead of consolation, therefore, these aspiring youths were reminded in the language of the Scripture that “all they that take the sword, shall perish with the sword.”²

Juridical procedure among the Friends was both curious and instructive. When the members of the Society disagreed, they seldom scolded and rarely went to law. All their disputes were adjusted by what we call, in the language of administration, Boards of Arbitration. These Peace Commissions, so to speak, arranged all difficulties arising between the Europeans and the Indians, as well as settling altercations between the Colonists themselves. As regards composition, the bodies possessing such important functions, were usually as follows :³

¹ Linn, *Charter and Laws of Prov. Pa.*, p. 260.

² I Matt., xxvi, 52.

³ The early Christians settled all their disputes by arbitration.—Geffcken, *Church and State*, I, 103.

Three persons were appointed by each County Court of Pennsylvania, and the individuals thus selected were invested with the honorable title of Peacemakers. Their chief duty was to mediate between contending parties, accommodating their contests, if possible, by their friendly services. Appeal to the usual course of the law was, however, permitted when one party refused to refer the matter in question to the Peacemakers, or when the point at issue could only be settled by the ordinary legal proceedings. When a Friend disagreed with a person outside the pale of the Society, he first proposed arbitration; if this proposition was rejected, he then had no scruples about having recourse to the courts. Some of their disputes were very easily adjusted. In 1684, for instance, we read that "there being a Difference depending between" Andrew Johnson and Hance Peterson, "the Gov^r & Councill advised them to shake hands, and to forgive One another; and Ordered that they should Enter in Bonds for fifty pounds apiece, for their good abearance, w^{ch} accordingly they did."¹

Agesilaus, the famous King of Sparta, being asked on one occasion, "what ought children to learn?" quickly responded, "that which they ought to practice when they become men." With this opinion, Penn's belief coincided exactly. At an early period in his administration of the Quaker Colony he ordered that "all children within this province of the age of twelve years, shall be taught some useful trade or skill to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want." He explains that his reason for this legislation was, that the children of the wealthy classes in England "were too generally brought up in pride and sloth, good for nothing to themselves or others." He took special care, therefore, that ample provision for the education of the young should be made in Pennsylvania. In his Frame of Government, Penn declared that a committee on manners, education, and art, should be appointed, so that

¹ *Col. Rec. of Pa.*, I, 52.

all "wicked and scandalous living may be prevented, and that youth may be trained up in virtue, and useful arts and knowledge." As early as 1683, an educational institution was established for the instruction of the children of the colonists. In that year "the Gov^r and Prov^l Councill having taken into their Serious Consideration the great Necessity there is of a School Master for y^e Instruction & Sober Education of Youth in the towne of Philadelphia, Sent for Enoch Flower, an Inhabitant of the said Towne, who for twenty year past hath been Exercised in that care and Imploym^t in England, to whom having Communicated their Minds, he embraced it upon these following Termes: to Learn to read English 4^s by the Quarter, to Learn to read and write 6^s by y^e Quarter, to learn to read, Write and Cast acc^t 8^s by y^e Quarter; for Boarding a Scholler, that is to say, dyet, Washing, Lodging, & Schooling, Tenn pounds for one whole year."¹

In 1689, the Quakers opened another school for "all children and servants, male and female—the rich, at reasonable rates; the poor, for nothing." George Keith was made principal of this foundation, and was assisted by a certain Thomas Makin, who, the records inform the reader, was "a good Latinist." The plan of instruction was similar to that of an ordinary modern grammar school, with the exception that its curriculum included "the learned languages." It was entirely supported by the Friends, but representatives of all denominations were magnanimously permitted to share its advantages. In the year 1749, Franklin published his "Proposal Relative to the Education of Youth in Pennsylvania," which resulted in the establishment of the Academy. This institution was promoted to collegiate rank about 1755; and, finally, in 1779, it was incorporated as the University of Pennsylvania.²

¹ *Col. Rec. of Pa.*, I, 36.

² In addition to the branches usually included in the curricula of such institutions, Chapter LX, of the Great Law of Pennsylvania, was particular to specify "That the Laws of this Province, from time to time, shall be

In the early days of the Colony, great care was exercised to secure competent teachers. To this end, no person was permitted to "keep school" without first securing a license, and this document could only be obtained by satisfactorily passing the requisite examination. In 1693, Thomas Meakin (our former acquaintance, now the victim of paronomasia) "keeper of the ffree schoole in the town of Philadelphia, being called before the Lt. Go^v and Councill, was told that hee must not keepe school without a License, ansred that hee was willing to comply, and to take a Licence; was therefore ordered to procure a Certificate of his abilitie, Learning & diligence, from the Inhabitants of note in this towne . . . in order to the obtaining of a Licence, which he promised to do."¹

Notwithstanding the fact that so much attention was lavished on education in general, the age preceding the Declaration of Independence was not very favorable to the growth and development of the press and journalism. Only three papers were published in Philadelphia anterior to the American Revolution. These were *The American Weekly Mercury*, *The Pennsylvania Journal and Weekly Advertiser*, and *The Pennsylvania Gazette*. In 1719, the earliest venture was made. In that year, *The Mercury* first appeared. Its existence, however, was always extremely precarious, and in 1746, the paper was finally discontinued. Four years prior to this event, another paper had celebrated its *debut* in the Colony. This was *The Pennsylvania Journal and Weekly Advertiser*. Its dimensions were insignificant, corresponding to a sheet of ordinary foolscap paper. Franklin had commenced the publication of his paper, *The Gazette*, as early as 1729, and it maintained an independent existence until the middle of the

published and printed, that every person may have the knowledge thereof; and they shall be one of the Books taught in the Schools of this Province and territorys thereof." In the light of this provision, no one could truthfully plead ignorance of the law as an excuse.

¹ *Col. Rec. of Pa.*, Vol. I, p. 345.

succeeding century, when this publication was merged with another periodical.

There are certain constant factors in almost every community—namely, marriage and giving in marriage. Cupid exhibited as much activity in the Quaker Colony as he did in other portions of the terrestrial globe. At the time, however, of which we write, bashfulness and modesty in youth were regarded as ornaments, nay even as great virtues. “Young lovers,” says Watson, “then listened and took side-long glances when before their parents or elders.”¹ But, how these hopefuls behaved in the absence of the aforesaid worthies, we are not informed, for the annalist breaks off suddenly at this point, as if fearful of startling *dénouements* if the narrative were further continued.

Marriage among the Friends was a very important institution, and weddings were always the occasions of great festivity. The matches appear to have arisen solely from inclination. “Never marry but for love,” is William Penn’s advice to all, “but see that thou lovest what is lovely.”² The Quakers, moreover, gave considerable publicity to the celebration of marriage. Before the union could be consummated, the intentions of the persons concerned were promulgated by affixing a declaration to that effect on the Court or Meeting-house door; and when the act was finally solemnized at least twelve subscribing witnesses had to be present.

In regard to the ceremony employed, it will be sufficient to remark that they rejected the mode adopted by the Protestant sects, as well as that employed by the Roman Catholic Church, and introduced a simple form of marriage in the meeting of their own Society. The priest and the ring were discarded as being utterly heathenish. “Ceremonies,” declares Penn, “they have refused not out of humor, but conscience reasonably grounded; inasmuch as no Scripture-example tells us, that the priest had any other part, of old time, than that of a

¹ *Annals*, I, 174.

² *Select Works*, V, 129.

witness among the rest, before whom the Jews used to take one another; and therefore this people look upon it as an imposition, to advance the power and profits of the clergy; and for the use of the ring, it is enough to say, that it was an heathenish and vain custom, and never practiced among the people of God, *Jews or primitive Christians.*"¹

The Friends, in the language of George Fox, declared, "We marry none, but are witnesses of it; marriage being God's joining, not man's." Penn said the Quakers believed "that marriage is an ordinance of God, and that God only can rightly join men and women in marriage."² When a marriage was contemplated, the Monthly Meeting had to be notified of it, and the form of the paper submitted to this assembly was about as follows: "We, the subscribers, A. B., son of C., and D. B.; and F. G., daughter of H., and I. G., purpose taking each other in marriage, which we hereby offer for the approbation of Friends." Then followed the signatures of the contracting individuals. If no sufficient reasons were discovered for preventing the union, the hymeneal ceremony was performed at the appointed time.

Originally, the weddings even of the unostentatious members of the Society were very expensive and the ceremonies harrassing to the wedded—in fact, to all but the invited guests. The company usually assembled early in the morning, remained to dinner, possibly even to supper. For two entire days, it was customary to deal out refreshments with a lavish hand to all who honored the family with their presence. The gentlemen congratulated the groom on the first floor of the dwelling, and then ascended to the second story, where they wished future felicity to the blushing bride. After these preliminaries, this unfortunate female was compelled, by the unwritten law of the time, to undergo the ordeal of being kissed by all the male visitors.

¹ *Select Works*, V, 225.

² *Rise and Progress*, 35.

It is somewhat astonishing, when we reflect, that the Quakers, strenuously opposed, as they unquestionably were, to all sorts of frivolity and ceremony, ever submitted to such veritable nuisances as these weddings soon turned out to be. The annalist, Watson, relates on credible authority, that it was nothing uncommon for families in affluent circumstances to have "120 persons to dine—the same who had signed their certificate of marriage at the Monthly Meeting." "These," he adds, "also partook of tea and supper."¹ At first, these elaborate ceremonies were accepted, if not without question, certainly without expressed opposition. Finally, however, the good Friends revolted from all this worldly excitement and round of festivity. At length, such frivolities were relegated to the limbo of exploded vanities, and matrimonial alliances were attended with no other ceremony than that of the parties taking each other by the hand in public meeting and avowing their willingness to enter the connubial state. After these informal exercises, the marriage certificate was registered in the record book belonging to the Meeting where the marriage was solemnized, and this simple act completed the ceremony.

If the union were blessed with issue, all ceremony was likewise rejected in naming the offspring. As a rule, children were named by their parents in the presence of a mid-wife, or of those that were present at the birth. These witnesses subsequently affixed their signatures to the natal certificate, and this paper was then duly recorded in the book of that Monthly Meeting to which the parents belonged.

The funeral customs of the Friends were as unostentatious as their form of marriage. The body of the deceased was generally taken to the nearest meeting-house so as to accommodate relatives and acquaintances, who might desire to attend the interment. Here a short pause was made, during which any person, who felt himself moved to speak, was at liberty

¹ *Annals*, I, 178.

to address the assembled congregation. The corpse was then conveyed to the cemetery, usually by several young men. When the burial ground was reached, the pall bearers deposited the body so that the relatives might take their last look at the remains of their departed loved one. This procedure was moreover to the end that "the spectators have a sense of mortality, by the occasion then given them to reflect upon their own latter end."¹ Thomas Story, who was present at the funeral of William Penn, describes his experience in the following words: "A solid time of worship we had together, but few words among us for some time. . . . I accompanied the corpse to the grave, where we had a large meeting."

No mourning was ever worn for departed friends. Crape was accounted as especially heathenish, and not in accordance with Biblical precepts. Penn declares "that what mourning is fit for a Christian to have, at the departure of a beloved relation or friend should be worn in the mind, which is only sensible of the loss."² Even the casket was denied its usual black covering.³

No vaults were used. Tombstones were also rejected. They were considered an especial abomination. In a word, the Friends dispensed with all kinds of ceremonies. The Society regarded the substance of things; not mere external appearances.

The Quakers, in all transactions with their fellow men, endeavored to preserve the strictest honesty, and in some instances, the reader with difficulty represses a smile at the form this integrity assumed. In 1721, for example, we find the curious statement that a certain William Ganlan was fined "as he did with his breath and wind blow up the meat of his calf, whereby the meat was made unwholesome to the human body." Another case occurred in the year 1700. "Upon

¹ Penn, *Select Works*, V, 226.

² *Ibid.*

³ "The corpse being in a *plain coffin*, without any *covering* or *furniture* upon it.—*Penn's Works*, V, 226.

Complaint of y^e poor ag^t y^e bakers of bread for sale not being of the Law^l & due assize," so runs the language of the record, "Justinian Fox, Jn^o Sawtell, Aurther Holton, Wm. Royal, Geo. Abbiott, Marie Merryweather, Tho. Hall & Hugh Derburrow, being summoned appeared to whom the Go^v notified y^e said Complaint; Who generallie ansred, y^t tho it was hard for you to Live by itt, wheat being now 5s. 6d. p. bush., & y^t they buing but smal stocks wer outt-bid by the eminent merts and bolters; yet hoped y^r bread was of y^e due assize, the prov. & Go^v advised you to be conformable to y^e Laws in that behalfe made, & said hee would appoint a Clark of y^e market to y^e end."¹

Dentistry appears to have found no very congenial soil in early Pennsylvania. Tooth brushes were an unheard-of luxury; an innovation not to be tolerated even in thought. The most fastidious and respectable individuals were content to rub their teeth with a chalked rag, or, worse still, with snuff; while some conservative persons even went so far as to deem it an unmistakable token of effeminacy in men to be caught cleaning their teeth at all. At this period, the dental art had scarcely emerged from its rude beginnings. But, curiously enough, some of the triumphs of which the present century is so proud, were well known at this time. Reference is especially made to the process of *transplanting* teeth, as it was then called. By a printed advertisement, which appeared in the year 1784, Dr. Le Mayeur, one of the first dentists who practiced in the city of Philadelphia, engaged to pay two guineas for each tooth which may be offered him by "persons disposed to sell their front teeth, or any of them." These were wanted for the operation, technically denominated *transplanting*, by which a perfect tooth is extracted from the mouth of one living person and embedded in that of another. This enterprising doctor appears to have been extremely successful in his specialty, for it is authentically

¹ Col. Rec. of Pa., I, 546.

related that he "transplanted" as many as 123 teeth in the comparatively short space of six months.¹

The field of employment in colonial Pennsylvania was well-nigh unlimited, and scarcity of work was a thing unheard of. The industrious could always find congenial employment without much difficulty. The hours of labor as well as the times for refreshment appear to have been regulated in the various trades, and were generally announced by the ringing of bells.

In some respects, the Philadelphia of this period reminds the historical student of Geneva at the time of Calvin. After nine o'clock at night, the officers—at first all private citizens serving in succession—inspected the town, and no inhabitant thereof was permitted to remain at any ordinary² after that hour without good and sufficient reason. "It is worthy of commendation," writes Thomas Chakeley, in his interesting journal, "that our Governor, Thomas Lloyd, sometimes in the evening, before he went to rest, used to go in person to the public houses, and order the people he found there to their own houses, till at length he was instrumental to promote the better order, and did in a great measure suppress vice and immorality in the city" of Philadelphia.

Originally, the Quakers prescribed no particular style of dress; for, in their judgment, it was "no vanity to use what the country naturally produced," and they reprov'd nothing but that extravagance in raiment which "all sober men of all sorts readily grant to be evil." Wigs were at this period *à la mode*, and even the inhabitants of Pennsylvania succumbed to the seductive influences of this worldly custom. In the year 1719, a prominent Friend, ordering his wearing apparel, writes, "I want for myself and my three sons, each a wig—light, gud bobs." Even Franklin, disdainful as he was of display and artificiality, wore a tremendous horse-hair wig.

¹ *U. S. Census (1880) Social. Stat. of Cities, I, 785.*

² The ancient word for inn or hotel.

And Penn's private expense book reveals the startling fact that even the Proprietary of the Province indulged in these vanities to the extent of four wigs per annum.

In early times, too, the Quaker women wore their colored silk aprons as did the aristocratic ladies of other denominations. And the wealthy female members of the Society also arrayed themselves in white satin petticoats embroidered with flowers, and pearl satin gowns, with peach-colored cloaks of the same material. Their white and shapely necks were ornamented with delicate lawn or lace, and also with charms. In course of time, however, white aprons were discarded by the *élite*, and then the Friends abandoned colors and adopted white. The Quaker ladies also wore immense beaver hats, which had scarcely any crown, and were fastened to the head by silken cords tied in a bewitching bow under the chin. This was the so-called *Skimming dish* hat. Such a bonnet was purchased for seven or eight dollars, when beaver fur was plentiful. To be sure, even this was a somewhat extravagant price, but with the exercise of proper care such a hat was a life-long investment. If it were not a thing of beauty, yet it might be a joy forever.

The Quaker dress, however, gradually assumed a more subdued form. Subsequently, broad-brimmed hats, coats with straight collars, the peculiar female dress—articles so familiar in our own day—were introduced. Drab eventually became the prevailing color for the ladies. Metallic buttons, so fashionable at this time, were not used by the Friends. When shoe buckles were worn with so much display, the good Quakers employed leather straps as answering the purpose equally well, and being more consistent with their profession as disciples and followers of the lowly Nazarene. Thus the wearing apparel became more and more simplified until Penn unhesitatingly declares, "if thou art clean and warm it is sufficient; for more clothes but robs the poor, and pleases the wanton."¹

¹ *Select Works*, V, 128.

In the year 1771, the first umbrellas made their appearance in Philadelphia, and were scouted by the more conservative as ridiculous affectations. Afterwards, however, when the important character of their services was more fully understood and appreciated, their reception was decidedly more cordial.

In Quaker theology, all magic and exorcism were relegated to their own place, to the world of phantoms. While other colonies were fairly intoxicated with sorcery; when the theory of witches' marks was conscientiously believed in as an appendix to Revelation; when the spitting of pins by the plaintiff demonstrated beyond all peradventure diabolical influences, and was regarded as sufficient evidence to send the unfortunate defendant to the gallows; when decrepit old women were supposed to find indescribable delight in cantering through space on the conventional broomstick, and in performing other gymnastics, as unknown to common sense as to reason—while all this was believed elsewhere, we discover only one such case in the Province of Pennsylvania. This occurred on the 27th day of December, in the year 1683, when one Margaret Mattson was indicted and tried on the charge of being a confirmed witch. The accusation against her consisted of a number of vague, incoherent, and irrational stories. It was related of her that she bewitched calves, geese, and had caused unsuspecting cows to do many queer and truly thaumaturgic acts. A certain "Henry Drystreet attested, Saith he was tould 20 years agoe, that the prisoner at the Barr was a Witch, & that severall Cows were bewitched by her; also that James Saunderling's mother tould him that she bewitched her Cow, but afterwards said it was a mistake, and that her Cow should doe well againe, for it was not her Cow, but an Other Person's that should dye." Moreover, even Mrs. Mattson's daughter testified to the astounding fact that her mother was beyond all question in league with his satanic majesty. Notwithstanding, however, all this weight of testimony, the jury, after receiving the charge from the

judge brought in the rather ambiguous verdict that they found her "Guilty of having the Common fame of a Witch, but not Guilty in manner and form as Shee Stands Indicted."¹ Conviction would have been almost pardonable in a day when men like Richard Baxter and Cotton Mather did not hesitate to record their faith in "a God, a devil, and witchcraft"—at a time when John Wesley positively declared that to give up witchcraft would be to surrender the Bible itself, and when even the great Quaker, George Fox, believed in "familiar spirits." William Penn, however, incorporated no such fatuous doctrine among his accepted beliefs, and the alleged witch was accordingly released. By this judicious conduct, Pennsylvania, in all probability, escaped the odium of Salem.

On one occasion, Coleridge described a Quaker as "a curious combination of ice and flame," signifying thereby that he was essentially an extremist. With all possible deference to the opinion of the English poet, it must be said, however, that one may ransack history in vain for substantiation and verification of this assertion. Examination invariably discovers the Friends ranging themselves on the side of moderation. No one, who candidly and impartially investigates their customs, can escape this conclusion, even were he so inclined. Feasts, fastings—excesses, in general, received their most unqualified condemnation, and that from the earliest dawn of their history down to the present generation. Like a steamship attempting to enter some rock-bound harbor, like that of St. John's, in the Island of New Foundland, the Society believed that only by avoiding extremes, the perilous headlands on either side of the entrance, could they reasonably expect to find a channel that would conduct them past dangerous obstructions into the tranquil haven beyond.

¹ *Col. Recs. of Pa.*, I, 40-41.

II.

QUAKER LEGISLATION.

In the language of what might be designated as the Constitution of Pennsylvania, it was announced that the governmental machinery of the Colony was to consist of the Governor and freemen of the said province, in form of a Provincial Council and General Assembly, "and further that these two political bodies, by and with the consent of the Governor aforesaid, should pass all the necessary enactments, select and appoint all public functionaries—in short, transact official business of every sort."¹

In composition, however, neither the Council nor the Assembly offers any essential characteristics that distinguish them from the corresponding legislative bodies existing in the other colonies. The freemen were simply empowered to select "out of themselves seventy-two persons of most note for their wisdom, virtue, and ability," who were to be "called and act as the Provincial Council of the said Province."² One-third of the members constituting this body were to retire annually. Moreover "in this Provincial Council, the Governor or his deputy shall or may always preside, and have a treble voice; and the said Provincial Council shall always continue, and sit upon its own adjournments and committees."³ It was farther provided that not less than two-thirds of the whole Council was to constitute a quorum. And "to the end that all laws prepared by the Governor and Provincial Council aforesaid, may yet have the more full concurrence of the free-

¹ *Frame*, Sec. I.

² *Ibid.*, Sec. II.

³ *Ibid.*, Sec. VI.

men of the province, it is declared, granted, and confirmed, that at the time and place or places for the choice of a Provincial Council as aforesaid, the said freedmen shall yearly choose members to serve in General Assembly as their representatives, not exceeding two hundred persons.”¹ And provision was also made that all elections were to be by ballot.

In this Frame, it was likewise stated “that for the better establishment of the Government and laws of this province, and to the end there may be an universal satisfaction in the laying of the fundamentals thereof; the General Assembly shall or may for the first year consist of all the freemen of and in said province, and ever after it shall be yearly chosen as aforesaid; which number of two hundred shall be enlarged as the country shall increase in people, so as it do not exceed five hundred at any time.”² But even the number two hundred was never reached. It was soon ascertained to be inconvenient, and was therefore abandoned. The first Assembly only contained seventy-two members, and its successors were usually composed of thirty-six persons, distributed among the different counties and the city of Philadelphia.

In the year 1696, the system of representation was somewhat modified. Then it was determined that “two persons out of each of the Counties of this government” were “to serve as the peoples’ Representatives in Council;” and that “four persons out of each of the said Counties” were “to serve as Representatives in Assembly.”³ No law could be proposed in the more popular branch, except such as had been previously considered by the Governor and his Council. This provision almost carries the mind back to Athenian politics, where the same precaution was ascertained to be necessary. In spite of the fact, however, that the Assembly could not originate legislation, it possessed many important functions. That astute statesman, Frederick the Great of Prussia, once declared that “Finance was the pulse of the State.” As the Assembly

¹ *Ibid.*, Sec. XIV.

² Sec. XVI.

³ *Frame of 1696*, Sec. II.

controlled the purse strings of the Colony, it was virtually invested with the political supremacy.

Such then, in outline, was the governing body of Pennsylvania. The first General Assembly of the Province was convened at Chester in 1682, at which time the Great Law was passed. The first formal, political body that ever assembled in the city of Philadelphia was held at the Friends' meeting-house the succeeding year, that is, in 1683. The Government was now completely organized. It speedily commenced to busy itself in legislation, and as many of its chief peculiarities are to be sought in activity of this description, we may glance at some of the more striking and characteristic enactments.

The one notable measure passed by the first Assembly of Philadelphia was that referring disputes to arbitration. The law provided that three *peacemakers*, after the manner of common arbitrators, were to be selected by each county court, that they might hear and terminate all controversies and differences.¹ Some very amusing sumptuary laws were also introduced during this session. For instance, it was proposed that no inhabitant should be permitted to have more than two suits of wearing apparel; one ostensibly intended for summer; the other for winter. Other members, possibly proceeding upon the principle that misery loves company, advocated the measure that young men be compelled to enter into matrimonial alliances upon the acquisition of a specified age. But the majority of the Quakers were not prepared for such drastic enactments as these; consequently, the propositions in question were dropped.

Other more important matters demanded attention. All through their history, the Quakers strenuously opposed all unlawful sensual indulgences; consequently the authorities

¹ In 1683, a "Petition of Rich'd Wells" was read, and "Ordered that he be referred to ye Peacemakers, and in case of Refusal to ye County Court, according to Law." *Col. Rec. of Pa.*, Vol. I, p. 34.

soon began to legislate for the suppression of irregularities of this description. It was, indeed, the very first Assembly convened in the metropolis (if the expression be allowed) which enacted the following law:¹ “And to prevent Clandestine, Loose, and unseemly proceedings in this Province and territories thereof, about marriage, *Be it, &c.*, That all marriages not forbidden by the law of God, shall be encouraged; But the parents and guardians shall be, if possible, first Consulted; And the parties clearnes from all other engagements assured by a Certificate from some Crediable persons where they had lived; And by their affixing of their intentions of Marriage on the Court or Meeting-house Door of the County wherein they Dwell, one Month before the solemnizing thereof; And their said Marriage shall be solemnized by taking one another as husband and wife, before Sufficient Witnesses; And a certificate of the whole under the hands of parties and witnesses (at least twelve) shall be brought to the Register of the County, where they are Mārryed, and be Registered in his office. And if any person shall presume to marry or to join any in Marriage Contrary hereunto, such person so Marrying shall pay ten pounds, and such person so joining others in Marriage shall pay twenty pounds.”²

By the authority of the Great Law of Pennsylvania, it was declared that “no person, be it either widower or widow, shall contract marriage, much less marry, under one year after the

¹ *Ibid.*, p. 151. Re-enacted in 1690, and again in 1693.

² November 20, 1703, the President made complaint “agst Andrew Bankson, one of ye Justices of Philada County, for irregularly marrying a couple lately according to law, but against ye Prohibitions of ye Parents.” When brought before the Council the Justice “declared that he was wholly ignorant of its being illegal, & was heartily sorry for what was done, promising that whether he should continue in Commission, or otherwise, this should be such a caution to him as to prevent him of committing the like for ye future, & being severely checked, was dismissed.” *Col. Rec. of Pa.*, II, 115.

decease of his wife or her husband.”¹ In 1690, it was enacted that any one committing adultery should² “for the first offense be publicly whipt and suffer one whole year’s imprisonment in the house of Correction at hard labour, to the behoof of the publick.” For a second infraction of the law, the penalty was “imprisonment in manner aforesaid During Life.”³

Incest and bigamy, being transgressions of a similar character, were likewise severely punished. In 1705, the punishment of these offences was somewhat modified. In order that imprisonment provided for by the penal law might be dreaded, in 1682 a bill had been passed to the effect that “all prisons will be work-houses for felons, Thiefs, Vagrants, and Loose, abusive and Idle persons whereof one shall be in every county.”⁴

Next to impurity in point of heinousness to the Quakers, came profanity,⁵ and at an early date measures were adopted for its suppression. In 1682, the organic law of the Colony upon this subject was, “That whosoever Shall Swear in their Common Conversation, by the name of God, or Christ, or Jesus, being Legally Convicted thereof, shall pay for every such offence five shillings, or suffer five days’ imprisonment in the house of Correction, at hard labour, to the behoof of the publick, and be fed with bread and water only, During that

¹ This regulation as regards the females is found in the ancient Saxon law, which prohibited a widow from intermarrying within twelve months after the decease of her consort. Vide Ll. Ethel, A. D., 1008. Ll. Canut, c. 71. The purpose of this provision was to establish, with certainty, the paternity of the progeny. If the widow were permitted to enter into new matrimonial alliances, within the ordinary period of gestation, after the determination of the coverture, the issue would have two putative fathers, thus making the real parent impossible of ascertainment. Trivial as this matter may appear to the uninitiated layman, those acquainted with the laws of inheritance need not be reminded that the subject is one of considerable importance.

² Constantine made adultery a capital crime.

³ Linn, 194.

⁴ *Great Law of Pa.* Chap. LIX. Re-enacted in 1690.

⁵ *Great Law of Pa.*, Chap. LIV. Re-enacted in 1690.

time. . . . Whosoever Shall Swear by any other thing or name, and is Legally convicted thereof, shall for every such offence, pay half a Crown or suffer three days' imprisonment in the house of Correction, at hard labour, having only bread and water for their sustenance."¹

This law was substantially re-enacted in 1690.² It was then declared "that whosoever shall, in their Conversation at any time curse himself or another or any other thing belonging to himself or any other, and is Legally convicted thereof, Shall pay for every such offence five shillings, or suffer five days' imprisonment as aforesaid."³ Speaking obscenely was also punishable by a fine.

In the year 1700, legislative activity produced a new law against cursing. An act was then introduced and approved "to prevent the grievous Sins of cursing and Swearing within this Province and Territories." The wording of the statute was as follows: "Be it Further Enacted by the Authority aforesaid, That whosoever shall willfully, premeditatedly and despitefully, blaspheme or speak loosely and profanely of Almighty God, Christ Jesus, the Holy Spirit, or the Scriptures of Truth, and is legally convicted thereof, shall forfeit and pay the sum of *Ten Pounds*, for the Use of the Poor of the County, where such offence shall be committed, or suffer three months' Imprisonment at hard Labour as aforesaid, for the Use of the said Poor."⁴ From the records we glean that a butcher was indicted in 1702 as a common swearer "for swearing three oaths in the market place, and for uttering two very bad curses."⁵ Although this language can scarcely fail to

¹ *Ibid.*, Chaps. III and IV.

² And again in 1697.

³ Linn, 193.

⁴ *Laws of Pa.*, Vol. I, p. 6.

⁵ In 1690, President Lloyd, on the basis of a letter received from "a very Credible person," endeavored to exclude Thomas Clifton from the Council, alleging "that he was not for Yea and Nay, but for God Damm You." The charge was denied by the said Clifton, and the Board "having only paper Evidence, Resolved that He be admitted at present, but upon further proof made of ye ffact, Immediately dismissed." *Col. Rec. of Pa.*, I, 282.

provoke a smile on the part of the reader, it bears sufficient evidence to the fact that the Quakers did not intend their laws to be mere ornaments on their statute books. Even the best intentioned human efforts, however, are not always successful, and notwithstanding the earnest endeavors of the Friends to the contrary, the "cursing and swearing" did not completely disappear. Even as late as 1746, we discover that still another measure was approved, entitled "An Act for the more effectual suppression of profane cursing and swearing."¹

Any one in Pennsylvania who was rash enough to offer, or to accept a challenge to fight a duel paid dearly for the luxury. The law of 1682 took especial care to provide "that whosoever shall Challenge another person to fight, hee that Challengeth and hee that accepted the Challenge, shall for every such offence, pay five pounds, or suffer three months' imprisonment in the House of Correction at hard Labour."² A similar enactment was passed in 1690, and this was followed by an act adopted ten years later, "to prevent all Duelling and fighting of Duells within this Province and Territories."³

In supposed harmony with the regulations of the Scriptures, capital offences were punished by execution. In 1683, the law was framed and passed providing "that if any person within this Province, or territories thereof, Shall wilfully or premeditatedly kill another person, or wilfully or premeditatedly be the cause of, or accessory to the Death of any person, Such person Shall, according to the law of God, Suffer Death: And one half of his Estate shall go to his wife and Children; And if no Wife nor Children, then to the next of his kindred, not Descending Lower than the third Degree; to be Claimed within three years after his Death; And the other half of his estate to be Disposed of, as the Governor shall see meet."⁴

But other transgressions were not forgotten, especially was this true of the "unruly member." As early as 1683, a law

¹ *Ibid.*, Vol. I, p. 212.

³ *Laws of Pa.*, Vol. I, p. 6.

² *Great Law of Pa.* See XXV.

⁴ Linn, p. 144. Re-enacted in 1690.

had passed the Assembly "to the end that the Exorbitancy of the tongue may be bridled and Rebuked, *Be it &c.*, That every person Convicted before any Court or Magistrate for Rallying or Scolding; Shall Stand one whole hour in the most public place, where Such offence was Committed, with a Gagg in their Mouth or pay five shillings."¹ In 1701, the Assembly passed another law for the punishment of the "vices of Scolding, drunkenness, and for the restraining of the practice drinking healths." Drunkenness was always regarded by the Quakers as a sin of considerable enormity, consequently they put forth their utmost endeavors for the suppression of this iniquity. It had been enacted in the year 1682, that any person found "abusing himself with Drink unto Drunkenness was, for the first offence to pay five shillings, or work five days in the house of Correction at hard Labour and be fed only with bread and water; and for the second offence, and ever after, ten shillings, or ten days labour as aforesaid." And those "who doe suffer such excess of Drinking att their houses, shall be liable to the same punishment with the Drunkard."² In 1683, we ascertain that a certain John Richardson was compelled to pay "five shillings for being disordered in Drink," and that he was sharply rebuked for his wickedness."³ But this example it appears did not deter Timothy Metcalf from indulging in similar dissipation, for the record avers that he was guilty of unseemly conduct owing to his looking on the wine when it was red.

Gambling was always specially hateful to the Quakers, and measures were early employed for its prevention. Indeed the Great Law of Pennsylvania itself declared, "That if any person be Convicted of playing at Cards, Dice, Lotteries, or such like enticing, vain, and evil Sports and Games, such persons shall, for every such offence, pay five shillings, or Suffer five

¹ *Ibid.*, p. 145.

² *Great Law of Pa.*, Chaps. XII-XIII. Re-enacted in 1690.

³ *Col. Rec.*, I, 4.

Days Imprisonment (at hard labour) in the house of Correction.”¹

Along with the immigrants belonging to the Society, a great many persons had “filtered” into the Colony who had very little regard for religion in general and the Christian Sabbath in particular. For the benefit of such individuals, the Assembly was careful to pass a law in the year 1690. “That Looseness, Irreligion, and Atheism,” it reads, “may not creep in under the pretence of Conscience in this Province, *Be it further Enacted by the authority aforesaid*, That, according to the example of the primitive Christians, and for the ease of the Creation, Every first day of the week, called the Lord’s Day, People shall abstain from their usual and common toil and labour, That whether Masters, Parents, Children, or Servants, they may the better dispose themselves to read the Scriptures of truth at home, or frequent such meetings of Religious worship abroad, as may best sute their respective persuasions.”² Such was the measure of 1690. It was substantially re-enacted in the year 1705, when a statute was passed entitled, “An act to restrain People from Labour on the First day of the Week.” It went on to state that “according to the Example of the primitive Christians, and for the Ease of the Creation, every First Day of the Week, commonly called *Sunday*, all People shall abstain from Toil and Labour, that whether Masters, Parents, Children, Servants, or others, they may the better dispose themselves to read and hear the Holy Scriptures of Truth at Home, and frequent such Meetings of religious Worship Abroad, as may best suit their respective Persuasions.” Nothing in this enactment, however, was to “prevent the Victualling-houses, or other public House or Place from supplying the necessary Occasions of Travellers, Inmates, Lodgers, or others, on the First Day of the Week with Victuals and Drink *in moderation*, for Reefreshment.” Then follows the curious clause, “of which

¹ Chap. XXVII.

² Linn, p. 192.

necessary Occasion for Refreshment, as also Moderation, the Magistrate before whom Complaint is made shall be Judge, any Law, Usage or Custom, in this Province to the contrary notwithstanding.”¹

Thus it will be observed that the good Quakers, in their zeal and anxiety for the spiritual welfare of humanity, did not entirely ignore the more material side of the question, to wit—the temporal requirements of man. Yet, in strict accordance with the customs of the Society, the refreshment administered was always to be *in moderation*. If these bounds were passed, the person was regarded as a transgressor, and as such was subject to the prescribed penalty. Violations of the Sunday Laws were generally punished by the imposition of fines. For instance, laboring on the Sabbath incurred a forfeiture of 20 shillings; while tippling in a tavern on that day could only be atoned for by a fine of 10 shillings. It is a noteworthy fact that there was not so much Sabbatarian legislation in Pennsylvania as we find burdening the statute books of Virginia, Massachusetts, and some of the other colonies, and yet the sacredness of the day was rigidly enforced—with what strictness even a cursory perusal of the records will acquaint the investigator. In 1703, for example, we find that a certain barber was presented to the grand jury for “trimmings on the first day of the week.”

In the Quaker economy, the obedience of children to their parents was always emphasized, was, in truth, enforced by law. The act, which passed in 1690, stipulated that any one assaulting his or her parent was to be “committed to the house of Correction, and there remain at hard labour, during the pleasure of the said parent.”²

The Friends opposed the so-called *heathenish* names of the days and months. If the world persisted in clinging to this “barbarous” custom, the Society determined it would not. A law regulating the matter was therefore introduced in the

¹ *Laws of Pa.*, Vol. I, pp. 24–5.

² Linn, p. 196.

year 1682. Its phraseology runs as follows: "That the Days of the week, and Months of the year, shall be called as in Scripture, and not by heathen names (as are vulgarly used), as the First, Second, and Third days of the week; and beginning with the day called Sunday, and the month called March."¹

Religious freedom meant a great deal to the Quaker. He had only obtained ecclesiastical liberty after passing through severe persecution, but now that he possessed it, he determined that others should share this inestimable privilege with him. To the end that this sentiment might be incorporated into the organic law of the Colony, an act was passed in the year 1690, which declared that "no person, now, or at any time hereafter, Living in this Province, who shall confess and acknowledge one Almighty God to be the Creator, Upholder and Ruler of the world, And who professes, him, or herself Obliged in Conscience to Live peaceably and quietly under the civil Government, shall in any case be molested or prejudiced for his, or her conscientious persuaion or practice, nor shall hee or shee at any time be compelled to frequent or Maintain anie religious worship, place or Ministry whatsoever Contrary to his, or her mind, but shall freely and fully enjoy his, or her, Christian Liberty in that respect, without any Interruption or reflexion. And if any person shall abuse or deride any other, for his, or her, different persuasion and practice in matters of religion, such person shall be lookt upon as a Disturber of the peace, and be punished accordingly."²

The liberality of the Quaker government comes out clearly also in an enactment that was passed in 1710. In that year, the Assembly gave its assent to a measure to the effect that "every one of whatever religious views he might be, who could not conscientiously make an Oath in the form and manner that was done in Britain, should have liberty to make his affirmation in the Quaker manner, that is to say, when any

¹ *Great Law of Pa.*, Chap. XXXV.

² Linn, p. 192.

one is by law called upon to assume any office or testify in any matter, that shall not be demanded as in the presence of Almighty God, according to the teachings of the Holy Evangelists, and by kissing the Bible, but only by a 'yea,' or a little inclination of the head." It will be recalled that a clause in Penn's charter required all laws passed in the province to be submitted to the Privy Council of England for final approval. When, in obedience to this injunction, the enactment in question was transmitted it was promptly rejected by that transatlantic body. The measure, however, was not allowed to die. It was revived in 1714, and after much urging, after bringing considerable pressure to bear, ultimately received the approval of the Council three years later.

The great bugbear with which the Quaker government had to contend was the granting of supplies for military purposes. "My being many years in the Assembly, a majority of which were constantly Quakers," says Franklin, "gave me frequent opportunity of seeing the embarrassment given them by their principles against war, whenever application was made to them, by order of the crown, to grant aids for military purposes. They were unwilling to offend the government on the one hand, by direct refusal; and their friends, the body of the Quakers, on the other, by a compliance contrary to their principles; using a variety of evasions to avoid complying, and modes of disguising the compliance, when it became unavoidable. The common mode at last was, to grant money under the phrase of its being *for the King's use* and never to inquire how it was applied."¹

This and similar pretenses of obtaining supplies appear to have been thoroughly worked by the different governors.²

¹ *Works*, Vol. I, pp. 153-4.

² May 16, 1693, Gov. Fletcher said to the Assembly, "If ther be anie amongst you that Scruple the giving of money to support warr, ther are a great manie other charges in that govermt, for the support yr of, as officers Sallaries & other Charges that amount to a Considerable sum; your money shall be converted to these uses & shall not be dipt in blood."—*Col. Rec. of Pa.*, I, 361.

During the incumbency of Markham, for instance, the Assembly was requested to authorize the levy of a sum of money to be remitted to the Governor of New York for the support of war—or, as it was decently pretended, “for the relief of the distressed Indians.”¹ The Assembly, on this presentation of the matter, voted £300 to be remitted to the neighboring province for the purpose therein specified. To keep up this pleasing and innocuous fiction, Governor Fletcher subsequently wrote to Markham informing him that the money had been faithfully expended in “feeding and clothing” the Indians. Had he replied the grant had been faithfully expended in purchasing bullets and other munitions of war, the letter would doubtless have approximated nearer the truth. But thus it was that the Quakers drew the line sharply between granting money for military purposes and for the support of the government. In their opinion, they were not answerable for the application of the supplies when once they had been granted. The responsibility was transferred *eo instanti* from them to the Governor.

In 1709 a concrete case occurred. Those were turbulent times, and the Governor of the Colony considered himself obliged to issue a requisition for troops and the necessary supplies. The story is told in his own words: “The Queen,” writes Mr. Gookin, “having honored me with her commands that this Province should furnish out 150 men as its quota for the Expedition against Canada, I called on Assembly, and demanded £4000, they being all Quakers, after much delay, Resolved *nemine contradicente* that it was contrary to their religious principles to hire men to kill one another. I told some of them the Queen did not hire men to kill one another, but to destroy her enemies. One of them answered the Assembly understood English. After I had tried all ways to bring them to reason, they again resolved *nemine contradicente* that they could not directly or indirectly raise money for the

¹ Those of the Six Nations.

Expedition to Canada, but they had voted the Queen £500 as a Token of their respect, &c., and that the money should be put into a safe hand till they were satisfied from England it would not be employed to the use of war. I told them that the Queen did not want such a sum, but being a pious and good woman, perhaps she might give it to the clergy sent hither for the propagation of the Gospel. One of them answered that was worse than the other, on which arose a debate in the Assembly whether they should give the money or not, since it might be employed for the war or against their future Establishment, and after much wise debate it was carried in the affirmative by one voice only.”¹

A repetition of the same trouble was experienced when an attack was made upon Carthagera. The northern Colonies were called upon to furnish soldiers for that service, and Pennsylvania was appealed to among the number. The Assembly was composed almost exclusively of Friends, and the difficulty was how to obtain the necessary grant. The problem, however, was finally solved in a manner satisfactory to all. The Quakers discharged their duty by voting £4000 for the *King's use*, which signified, of course, that they would furnish the money, and the Governor should raise the soldiers on his own responsibility. It thus appears that the Quakers just reversed the popular adage, “Millions for defense, but not one cent for tribute.” Evidently, in the opinion of the Society, the reformed maxim should read, “Millions for tribute, but not a cent for defense.”

It is not very difficult to imagine that this granting of supplies occasionally brought the Friends into direct conflict with the Governors, who sometimes—and that frequently—represented a radically different line of thought from the one prevailing among the majority of the colonists. Governor Evans, in particular, had little respect for the Quaker *notions*, as he contemptuously styled them. He, for one, completely

¹ Letter to the Secretary, dated Phila., Aug. 27, 1709.

ignored their conscientious convictions and pacific policy. It was this man who for the first time in the history of the Province made a call by public proclamation for militia for the defence of the Colony. Many of the other Governors, however, were not unlike him. Mr. Gookin, as can easily be conjectured from the foregoing citation, was neither a votary of Quaker principles, nor a courtier of their special favor. Consequently he was incessantly involved in disputes, and in all sorts of litigation with the Quaker element of the community.

This want of sympathy on the part of the Governors led many of the inhabitants to look favorably on the assumption of the government of the Colony by the Crown. After the decease of William Penn affairs grew steadily worse. The Friends became more and more jealous and suspicious of the new proprietors. Many of these Quakers had fallen away or openly abandoned the doctrines of the Society, and desired to regulate the government solely according to their own interests and ideas. This accounts for the fact that we find the Quakers in 1755 strongly in favor of abolishing the proprietary government and establishing a royal one in its stead. It was then the general opinion of the Friends that "the powers of the government ought, in all good policy, to be separated from the power attending that immense property and lodge where they could be properly and safely lodged, in the hands of the king." The Proprietaries, however, manipulated the affair in such a way that the opposition gradually subsided and as a result the government remained practically unchanged.

The Pennsylvania colonists began to regard with uneasiness, not to say positive alarm, the ever increasing concourse of strangers differing from them in religion, as well as in other essential principles. This tide of immigration was considered portentous of evil. The Friends apprehended a preponderance of sentiments, other than their own, in the public councils, and finally, perhaps, an entire expulsion of all that tincture of

Quaker principles which they had been to so much trouble to infuse into the provincial policy and administration. Although these apprehensions, when viewed in the calm light of the nineteenth century, appear to have been considerably exaggerated, the record discloses the fact that such fears were not entirely without foundation. In the year 1729 no fewer than 6208 European settlers found their way into the Province of Pennsylvania. Even the Assembly took fright at such an unprecedented influx of foreigners. An ordinance was therefore hastily constructed entitled "An Act imposing a Duty on Persons convicted of heinous Crimes, & to prevent Poor and Impotent Persons from being imported into this Province."¹ By this statute a tax of five shillings *per capita* was imposed upon all new comers. It was not very long, however, before the provincial legislators became convinced of the impolicy of this measure. It was, therefore, soon repealed, and the Colony again extended a most cordial welcome to all who desired to find a home within its limits.

It will doubtless be remembered that one clause in the Charter granted to William Penn provided for the establishment of the English Church in Pennsylvania, when desired by twenty or more of the inhabitants. This provision also occasioned the Quakers some slight annoyance. A great many churchmen had followed them across the Atlantic, and had settled in the Colony. These individuals were not, as the Quakers had been, fleeing from persecution, but were as a rule, energetic, younger sons of good families—men belonging to the middle classes of society, those who had determined to secure better fortunes in America than England offered them. These persons soon became a prosperous and influential element in the Province. The churchmen were not members of the Society, and although in the main law abiding, they did not entirely agree with the administration, and frequently

¹ *Laws of Pa.*, I, 158.

expressed their opinions on the subject with a frankness that was nothing less than exasperating.

For some years, however, everything was sufficiently harmonious. But in 1695, the Bishop of London sent the Rev. Mr. Clayton to Philadelphia, and then the real trouble seems to have commenced. A gentleman¹ writing to Governor Markham affirms that the Quakers denounced the aforesaid Mr. Clayton as "the minister of the doctrines of devils," together with other language equally uncomplimentary, and that they behaved in various other scandalous ways. "His Majesty's Commission with the seal to it," our informant proceeds to say, they "held up in open court, in a ridiculous manner, shewing it to the people, and laughing at it, saying, 'Here is a baby in a Tin box—we are not to be frightened with babes.' And others have said, 'The King has nothing more to do here than to receive a bear skin or two yearly; and his, and the Parliament's laws reach no further than England, Wales, and the Town of Berwick upon the Tweed;' and such like expressions which can all be proved by sufficient Witnesses."

The churchmen in the Colony immediately presented a petition to the Crown, protesting against such heroic treatment. "The Quaker magistrate no sooner heard of it," continues the account of Mr. Suder, "but sent for me and the person that mentioned it, by a constable to their sessions. They told me they heard I with some others was petitioning his Majesty that we might have a minister of the Church of England for the exercise of our Religion and to make use of our arms as a Militia to defend our estates from enemies. Edward Shippen, one of the Quaker justices, turning to the others of his fellows say'd, 'Now they have discovered themselves. They are bringing the priest and the sword among us, but God forbid; we will prevent them,' and ordered the King's Attorney, a Quaker, to read a law that they had made against any person that shall

¹ A Mr. Suder, Nov. 20, 1698.

write or speak against their Government. I told them I hoped they would not hinder us of the right of petitioning"—and so the letter continues. Of course, due allowance should be made for the fact that this epistle was the composition of a churchman, one who would very naturally magnify any defect that existed in the Quaker Government. In all this, however, one thing is sufficiently apparent, to wit, that Pennsylvania was a state intended first of all for the Quakers. Its establishment had been for the primary purpose of affording this sect a haven of refuge. The Society, therefore, determined to retain the power of government in its own hands. In their fears, the Friends had no doubt greatly exaggerated the impending danger. They imagined that the Province was rapidly being populated by churchmen, and that if once the English church were to obtain the supremacy, they would be compelled to seek other homes or suffer another season of persecution. But after the excitement had somewhat subsided, the Quakers, whom, despite reports, history informs the reader never made any decided opposition to the new foundation, readily withdrew all their protests, and accordingly a branch of the Episcopal vine was planted in Pennsylvania.

Civil government, owing to their religious principles, was, however, always very embarrassing to the Friends. It became more and more so, as the population became more heterogeneous. Great difficulty was experienced in providing for the public defense of the Colony, and it became every day more apparent that the time was rapidly approaching when they would be compelled to lay down the government, consigning it to hands whose owners did not share such scruples.

The Quakers now perceived the impossibility of reconciling the preservation of their sectarian principles with the administration of the political power in the Colony which their ancestors had planted. But although they clearly recognized the inevitable, to which they saw they must eventually bow in submission, they were none the less reluctant to resign their power of control. History cannot censure them on this

account. It had been principally with the hope of cultivating their tenets, and of exhibiting them to the world in a high degree of perfection that the Friends had originally incurred the lot of exiles from their native shores and been induced to undertake the care of government. In spite of this disinclination, however, the time had now arrived when some decision must be rendered. No longer was there any opportunity of halting between conflicting opinions. One of two things must be done. They must either renounce their political capacity, or they must consent to merge the Quaker into the politician. Which would be done? "With a rare virtue," avers Mr. Grahame, "they adhered to their religious principles and resigned the political authority which they had enjoyed since the foundation of the colony."¹

Historical writers invariably find it an unsatisfactory process to endeavor to compress any great event within the narrow boundaries of chronological limits; especially is this true of a government like the one under consideration. It is, therefore, difficult to state *exactly* when this change occurred in Pennsylvania. Even the opinions of authorities differ as to what precise date is to be assigned to the crisis. Stillé alleges that the Quaker supremacy terminated in the year 1754.² Mr. Grahame goes a little further, assigning 1756 as the time. While McKean gives the date of the American Revolution as contemporary with the actual extinction of Quaker political power.

At all events, it would certainly be erroneous to suppose that this "rotation in office," so to speak, was effected suddenly, all at once—in a day, as the ancients were accustomed to found their cities. On the contrary, it was doubtless a very

¹ *Col. Hist. of U. S.*, II, 255.

² But it probably extended beyond this limit, for February 26, 1756, an argument was made before the Lords of Trade to forever disqualify Quakers from sitting as members of the Assembly. The petitioners declared that the pacific principles of the Friends conclusively demonstrated "the necessity of which we desire, namely, that they should be excluded from the Assembly. . . . These are the People, who impiously trust that the Lord will raise Walls & Bulwarks, round them, without their using any, the ordinary means, which he has put in their Power, for their own Preservation."

gradual process. A number of Quakers quietly seceded from the Assembly, declining to accept the offices of government under a political regime by which a military establishment was sanctioned, and indeed, even required. Their example was followed by other members of the Society, till, at first their majority was extinguished, and ultimately few, if any, Quakers remained in the Legislature.

Thus expired the political government of the Friends for and by the Friends. It had begun nearly a century before with exalted ideals. "In the whole," wrote the illustrious William Penn, "we aim at duty to the King, the preservation of rights to all, the suppression of vice and encouragement of virtue and arts, with liberty to all people to worship Almighty God according to their faith and persuasion." That it had accomplished all it proposed to do few denied, and in praise of it many have recorded their names. Dr. Franklin, for example, draws a very pleasing picture of the political household of Pennsylvania, when he likens it to "a father and his Family, the latter united by Interest and Affection, the former to be revered for the Wisdom of his Instruction and the indulgent Use of his Authority." "Nobody," he adds, "was oppress'd; Industry was sure of Profit, Knowledge of Esteem, and Virtue of Veneration."¹

All impartial investigators will agree with the authority just cited that Quakerism always inscribed on its banner the device, "A free religion and a free commonwealth." Consequently the historian Lodge, who pays such a glowing, but deserved, tribute to this régime, simply expresses the verdict of history when he declares that "The oppression of New England and Virginia, of Congregationalist and Episcopalian, was unknown" in Pennsylvania, and that here "toleration did not rest on the narrow foundation of expediency to which it owed its early adoption in Maryland."²

¹ *Hist. Rev. of the Const. of Pa.*, p. 3.

² *Short Hist. of Eng. Col. in Amer.*, p. 233.

III.

ATTITUDE OF QUAKERS TOWARDS INDIANS.

The Indian policy of William Penn was a radical departure from the approved methods of his day and generation. As early as 1681, we discover the Proprietor of the future province directing his attention to the American natives. On the tenth day of October of that year, Penn appointed three Commissioners whose duty it was to supervise the settlement of the proposed colony. The instructions to these gentlemen were couched in the following language: "Be tender of offending the Indians, and hearken, by honest spies, if you can hear that anybody inveigles the Indians not to sell, or to stand off and raise the value upon you. . . . Let them know that you are come to sit down lovingly among them. Let my letter, and conditions with my purchasers about just dealing with them, be read in their tongue, that they may see we have their good in our eye, equal with our own interest, and after reading my letter and the said conditions, then present their kings with what I send them, and make a friendship and league with them, according to these conditions, which carefully observe, and get them to comply with you."¹

The letter which accompanied these directions has become a famous document. In it Penn writes "there is one great God and power that hath made the world and all things therein, to whom you and I, and all people owe their being and well-being, and to whom you and I must one day give an

¹ Hazard, *Annals*, 529.

account for all that we do in the world ; this great God hath written His law in our hearts, by which we are taught and commanded to love and help, and do good to one another, and not to do harm and mischief one to another. Now this great God hath been pleased to make me concerned in your part of the world, and the king of the country where I live hath given unto me a great province, but I desire to enjoy it with your love and consent, that we may always live together as neighbors and friends." The author knows, so he proceeds to say, that the Indians have been greatly maltreated by some of the earlier European settlers, but assures them that he is "not such a man, as is well known" in his own country. Indeed, so far from entertaining such sentiments, the letter continues, I have "great love and regard towards you, and I desire to win and gain your love and friendship by a kind, just, and peaceable life, and the people I send are of the same mind, and shall in all things behave themselves accordingly ; and if in anything any shall offend you or your people, you shall have a full and speedy satisfaction for the same, by an equal number of just men on both sides, that by no means you may have just occasion of being offended against them." The communication closes with the observation, "I shall shortly come to you myself, at what time we may more largely and freely confer and discourse of these matters."

This promise foreshadowed the treaty,¹ which, when Penn did arrive, was concluded under the famous Elm—the tree that has acquired such prominence in the history of the Province. And well it might, for one of the fairest and most unsullied chapters, perhaps, in the entire colonial history of America is that which describes this meeting with the aboriginal inhabitants. Here, translating into life their large and catholic theology, the Quakers met unarmed those same Indians, whom all the other European settlers agreed in regarding as fierce and

¹This treaty has received the name of Elm Tree Treaty, because the meeting occurred in a grove of these trees.

blood-thirsty savages ; and, addressing them as the children of a Common Father, one over-all-ruling God, concluded with them the memorable compact.

Other places have possessed their historic and consecrated trees, but none of them was ever more justly renowned than the Elm of Pennsylvania. It was a stately witness to the solemn covenant, which, in the language of Voltaire, was " the only league between those nations and the Christians that was never sworn to, and never broken." Here Penn explained to these rude children of the forest that he had not come to injure or to defraud them of their natural rights ; that, on the contrary, his purpose was to ameliorate their condition ; and, that for the accomplishment of this desired object, the interests of the races were to be considered inseparable—in fact, identical. " We meet," such was the language employed, " on the broad pathway of good faith and good will ; no advantage shall be taken on either side, but all shall be openness and love." Further, he " would not do as the Marylanders did ; that is, call them children or brothers only ; for often parents were apt to whip their children too severely ; and brothers sometimes would differ." Neither would he compare the friendship between them to a " chain, for the rain might sometime rust it, or a tree might fall and break it ;" but he would " consider them as the same flesh and blood with the Christians ; the same as if one man's body were to be divided into two parts." So terminates a declaration whose influence was clearly perceptible throughout the entire colonial period. The hearts of the congregated chiefs of the Algonquin race were immediately captured by the simplicity and evident sincerity of Penn's manner, as well as by the language of fraternal affection in which he had addressed them. On their part, therefore, they pledged themselves, in the glowing imagery of nature, to live with the children of Onas¹ " as long as the sun and moon shall endure."

¹ " Which signifies a Pen in the language of the Five Nations, by which name they call the Governors of Pennsylvania since it was first settled by William Penn." *Col. Rec. of Pa.*, II, 210.

Recognizing the abuses that had been committed by his predecessors, Penn declared that no person in his Colony would be permitted to defraud or otherwise injure the Indians, or even to avenge any wrong, real or imaginary, he might receive at their hands. Instead of killing the natives in case of altercation or an injury inflicted, Penn prescribed that if "any Indian should abuse a planter, the said planter should not be his own judge upon the Indian, but apply to the next magistrate, who should make complaint thereof to the king of the Indians, for reasonable satisfaction for the injury."¹ It was provided, moreover, that the adjustment of all disputes between the two races should in every instance be referred to twelve arbiters selected equally from the Europeans and the Indians. It was also declared that "the Indians shall have liberty to do all things relating to improvement of their ground, and providing sustenance for their families, that any of the planters shall enjoy." At the same time it was announced "that no man shall by any ways or means, in word or deed, affront or wrong any Indian, but he shall incur the same penalty of the law as if he had committed against his fellow planters." This language was repeated almost verbatim, April 23, 1701. Then it was agreed that the natives should "have the full and free privilege and immunities of all the said laws as any other Inhabitant."²

In the year 1728, the Governor informed the aborigines, "if any Christian do Injury to an Indian, you must as Brethren, come and complain of it; but if it be remote in the Woods, you must apprehend the Man that did the Wrong, and deliver him to me, that the Offender may be punished for it according to our Laws, which will suffer no man to hurt another."³

The historian Herodotus relates of a certain Scythian tribe that "no man does any injury to this people, for they are accounted sacred; nor do they possess any warlike weapons."⁴

¹ *Instructions to Colonists.*

³ *Ibid.*, III, 356.

² *Col. Rec.*, II, 10.

⁴ *Bk. IV*, chap. 23.

Notwithstanding the fact that these words were written many ages anterior to the period now under consideration, no phraseology could be found that better describes the relation existing between the Quakers and the Indians. Carnage held high court in many colonies. Indeed, even in some sections of Pennsylvania, devastation was rampant; but, in spite of this terror that stalked at noonday, the Friends, throughout their entire history, disclaimed the employment of all weapons, as well for the defence of their lives and property as for the redress of their wrongs. Their trust for the safety of their persons and possessions against human ferocity and cupidity was not in arms, but in the dominion of the Almighty over the hearts of His creatures; for, in the beautiful language of Inspiration, they firmly believed that "under His shadow" they might live even "among the heathen."¹

Of this child-like faith and simplicity we possess a very striking instance. A family of Pennsylvania Quakers, although residing on the frontiers of the settlement, were accustomed to retire at night without even pulling in the latch-string of their dwelling, relying solely on God's providence to protect them. One evening, however, after the Indians had committed several atrocities in the immediate neighborhood, the good man of the house, before going to rest for the night, took the precaution to draw in the string. But the circumstance troubled his mind. Finally he arose from his bed, replaced the latch-string in its usual position, and as the sequel will show, this simple action proved the salvation of the entire family. Shortly afterwards the Indians surrounded the dwelling, tried the door, found the string out, and after a consultation of a few moments, retired, leaving the peaceable Friends unmolested. Subsequently, when peace was restored, the same Quaker happened to be in company with several natives, and related his experience. One of the Indians declared that the simple circumstance of putting out the latch-string, which proved

¹ *Lamentations*, iv, 20.

confidence rather than fear, had caused life as well as property to be spared. The speaker acknowledged that he himself had been one of that same marauding party, and that, on finding the door of the house unfastened, they had said, "these people shall live; they will do us no harm, for they put their trust in the Great Spirit."¹

Whatever animosity the Indians might conceive against the European neighbors of the Pennsylvanians, or even against the colonists themselves, who were not included in the fold of the Society, they never failed to discriminate in favor of the followers of Penn. During all the time of border war when rumors of hostilities filled so many pages of colonial history, the natives, though in many cases urged on by unprincipled white men to commit deeds of violence, never molested the Friends—the people of Father Onas as they fondly styled them. Secretary Logan could then with truthfulness tell the Indians "You on your part have been faithful and true to us, whatever Reports might be spread, yet the Chain was still preserved strong and bright. You never violated it. We have lived in perfect Peace and Unity above any other Government in America."²

The condition of affairs herein described is really a remarkable phenomenon in the colonial life of America, but the reason for it is hidden only a little way beneath the surface. The Quaker principles and practices, their brotherly love, their rejection of weapons—all this made from the very beginning an impression, strong and enduring, upon the savage mind, and it is mainly to the circumstances enumerated that this notable exemption is to be attributed. The Quakers "in the midst of a fierce and lawless race of men," writes the annalist Burke, "have preserved themselves, with unarmed hands and passive principles, by the rules of moderation and justice better than any other people by policy and arms."³ "No feature," con-

¹ *Harper's Mag.*, I, 596.

² *Col. Rec. of Pa.*, III, 88.

³ *Europ. Set. in America*, II, 227.

firm Mr. Grahame, "in the manners of the Quakers contributed more efficiently to guard them against Indian ferocity than their rigid abstinence not merely from the use, but even from the possession, of offensive weapons, enforced by their conviction of the sufficiency of divine aid, and their respect to the Scriptural threat, that all who take the sword shall perish by it."¹

Throughout the whole period of Indian wars there were, as far as the writer's knowledge extends, only two cases where Friends were massacred by the savages, and these resulted from misunderstandings. The first was that of a young man, a tanner by trade, who went to and from his tannery daily without being molested while devastation spread in every direction. On one occasion, however, he carried a gun to shoot some birds. He was seen by the Indians. They imagined the weapon was carried for protection against them, and without further ado he was murdered. The other instance was the case of a woman, who remained in her dwelling unharmed, although her neighbors were cruelly massacred. The ravages of the Indians were, however, so frightful, that she finally became alarmed, and fled to the adjoining fort to ensure her personal safety. The savages supposed she had abandoned her pacific principles. They inferred from her conduct that she had allied herself with the fighting portion of the community, and her life paid the forfeit. But with the exception of these instances the records remain untarnished. Indeed, so free are they from such blemishes that Mr. Grahame possesses ample authority when, by way of recapitulation, he declares that "the intentional injury of a Quaker by an Indian" was "an event almost, if not altogether, unknown in Pennsylvania, and very rare in all American history."²

In the annals of Pennsylvania, then, one does not encounter pages which are blotted and seared by inhuman conduct towards the Indians, nor by exhibitions of deadly animosity

¹ *Col. Hist. of U. S.*, I, 515-16.

² *Col. History of U. S.*, I, 515.

on the part of the aborigines towards the Friends. Penn, in his letter, had given every assurance that no advantage would be taken of them ; that all the transactions between the two races were to be characterized by equity and brotherly love. These statements were not intended merely to deceive. Almost immediately upon the arrival of the Proprietor abundant verification was afforded of the promises made to the red men ; and one of Penn's first acts was to obtain the natives' consent to the occupation of their country. To be sure the Province had been granted by the King in absolute right, and the title to the territory thus conferred was such as was considered valid by all nations, but when Penn determined to add the additional right of purchase from the original owners, he made a very favorable impression on the sachems. The chronicler Chalmers alleges that before Penn's departure from England, several conversations relative to this subject were held with the Bishop of London, and that the former was notably influenced by the opinion of his ecclesiastical friend, who advised him to pursue this meritorious policy. Investigation fails to discover any authority in substantiation of this statement, but whether the assertion be veracious or otherwise is not material for our present purpose. Suffice it to say that, no matter whence the idea originated, Penn carried it into successful operation, and that the result went far to constitute the most honorable feature in the colonial history of America. It is the same Chalmers who declares that this conduct, "equally humane and wise, not only long ensured an advantageous peace to the province, but has conferred undiminished celebrity on his name ;"¹ and the historian Burke, when speaking on the same subject, states that by this "act of justice at the beginning, he made his dealings for the future the more easy, by prepossessing the Indians with a favorable opinion of him and his designs."²

But Penn did not stop here. Creditable as this conduct may have been, it was by no means unique, for it was only

¹ *Annals*, p. 644.

² *Europ. Set. in America*, II, 227.

one instance, among many, of the illustrious deeds of this Quaker Patriarch. The matter of trade with the natives furnishes another example; and, in this respect, his conduct was marked by as great, if not greater, scrupulousness. In 1681, although in considerable pecuniary need, he unhesitatingly refused an offer of £6000, together with a handsome annual revenue, for a monopoly of the Indian traffic, because, as Penn wrote to a friend, "I could not so defile what comes to me clean." In the same year it was officially declared, "Forasmuch as it is usual with the planters to overreach the poor natives of the country in Trade by Goods not being good of the kind, or debased with mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the Indians, in consideration of their furs, shall be sold in the market place, and there suffer the test, whether good or bad; if good to pass; if not good, not to be sold for good, that the natives may not be abused nor provoked."

Twelve years later, that is in 1693, on complaint being made to the effect that traveling traders "who by reason of their Non-Residence as aforesaid and frequent Removal from one province to another, are not careful in maintaining a fair Correspondence with the sd. Indians, and often oppress and abuse them in their way of trading and dealing with them, which may provoke and stir up the sd. Indians to a Revenge of the said abuses," it was enacted, "that no person non-Resident, either on Shoar or on board any vessel (except such as Come here with their families with an Intent to settle) deal or trade with any Indians within this government, upon any pretence whatsoever, upon the forfeiture of five pounds for every such offence and the goods so purchased, one half to go to the use of the County and the other to the discoverer." It was provided further that "no Inhabitant within this Province and Territories from henceforth under the penalty aforesaid, shall presume to trade with the Indians in the woods, at their towns or wigwams, after any private or clandestine manner, but at their respective mansion houses, which

sd. dwelling houses shall be adjudged so to be by the respective Court in each county, any law, custom or usage to the contrary notwithstanding.”¹

At many meetings of the Governor and his Council, Indian matters were discussed, and measures were early taken to suppress, or, if this were impossible, at least to regulate, the sale of intoxicating liquors to the natives. Such commerce had already become a prolific source of anxiety as well as annoyance to the Friends; and, if it were allowed to continue, they clearly perceived that the prospect for the future would not be the most attractive possible. Despite all efforts to the contrary, however, spirituous drinks still found their way among the tribes. In 1701, to suppress this fountain-head of crime, a law was framed declaring “that no Rum shall be Sold to any but their Chiefs, and in such Quantities as the Govr and Council shall think fitt, to be Disposed of by the Said Chiefs to the Indians about them as they shall see cause.”² By such means the traffic was diminished, but not abolished. Other expedients must be tried. June 22, 1715, therefore, it was ordered on the authority of “the Govr and Council, that all Indians who shall at any time see any rum brought amongst them for sale, either by English or others, Do forthwith stave y^e Casks and destroy the Liquor, without suffering any of it to be sold or Drank, in wch Practice they shall be Indemnified and protected by y^e Govmt against all persons whatsoever.”³ But this was expecting too much of crude humanity and the measure remained a nullity. The Indians were entirely too fond of “fire water” to pursue any such course as the one proposed. In order, therefore, the better to accomplish the desired result, a lengthy bill was passed in the year 1722 entitled “An Act to prohibit the selling Rum, and other strong Liquors, to the *Indians*, and to prevent the abuses that may happen thereby.” The phraseology of many sec-

¹ Linn, *Charter and Laws of Pa.*, pp. 240-1.

² *Col. Rec. of Pa.*, II, 16.

³ *Ibid.*, II, 633.

tions of this statute is extremely curious. For instance, the enactment declared that nothing therein contained should "be deemed or taken to prevent any Inhabitant of this Province from giving unto any *Indian*, at his Dwelling house, or Habitation, any Quantity of Rum, or other spirits, not exceeding One Sixteenth Part of a Quart at one Time, and that not oftener than once in Twelve Hours."¹ Even at this early date some of the Quakers appear to have classified alcohol with other medicinal remedies, and would have administered it accordingly in homœopathic doses. But, unfortunately, the natives entertained quite the contrary opinion concerning its uses.

In all his transactions with the Indians, Penn never abandoned the policy he had outlined in his treaty and his officers were always strictly enjoined to treat their heathen neighbors as they themselves had been treated by their Governor. There was seldom any difference noticeable between their actions towards their fellows and the savages, whom they regarded as their wards. To be convinced of this fact one does not have to turn many leaves of the records. Examples almost everywhere appear.

The following incident will suffice for the purposes of concrete illustration: In the year 1721, two traders became involved in a dispute with a party of Indians. Blows quickly followed angry words, and finally, in the heat of the altercation, one of the Indians was killed. Notwithstanding the fact that this act of violence was committed far away from the abodes of civilization—in an almost impenetrable forest—the Governor of Pennsylvania sent out officers to apprehend the transgressors, and the record affirms that they "were brought to Philadelphia, committed to prison and put in Irons, and there remain to be tried for their Lives according to our Laws, in the same manner as if they had killed an Englishman."² When, however, the Indians discovered that the

¹ *Laws of Pa.*, 117–18.

² *Col. Rec. of Pa.*, III, 205.

affair "happened by misfortune," they considered "it hard the persons who killed our friend and Brother should suffer," and at their earnest solicitation that "the men who did it may be released from Prison and set at Liberty," the traders were pardoned.¹ As already remarked, however, there is nothing exceptional about this case. It should always be remembered that during the time of Quaker supremacy, individuals were punished in precisely the same manner for the injuries inflicted on Indians as for similar offences committed against Europeans.

Throughout their entire history, the Quakers were careful not to offend the natives in any respect. In the early part of the last century it was customary for vessels to fire salutes, thereby indicating their arrival or departure; to welcome their friends on board; or for similar reasons, and this was done several times in the harbor of Philadelphia. The Indians, however, "believing y^e firing of sd. guns to have been signs of Hostilitie intended ag^t y^m," were very much frightened by such warlike demonstrations. It was, therefore, promptly ordered that the practice of discharging cannons in the city or harbor be discontinued. To retain the good opinion of the natives, the Governor hastened to explain to their representatives "that itt was the Custom of y^e English to fire guns as a sign of joy & kind entertainment of y^r friends coming on board; & was in no manner of ways intended to frighten or disoblige y^m; as also informed y^m y^t they were & should be verie wellcome to this gov^rm^t, and in token of amitie & friendship wt y^m, y^e Gov^r gave y^m a Belt of Wampum, by y^m to be shoven to the other Seneca Indians y^t went away upon fireing y^e said guns."² In the year 1712, also, when a delegation of natives complained that their corn had been greatly damaged by the traders carelessly allowing their cattle to get into it, the offenders were compelled to furnish a satisfactory indemnity to the injured parties.³

¹ *Ibid.*, III, 211.

² *Col. Rec. of Pa.*, I, 557.

³ *Ibid.*, II, 519-20.

As time wore away, representatives of other denominations began to settle in the colony ; but, as they rejected the peaceable ways of their neighbors, they naturally enjoyed no exemption from Indian warfare. They had sown the wind and they soon found that the whirlwind must be reaped. In spite of all admonitions to the contrary, they took the sword and as a result many of them perished by it. When it was too late, they perceived that by themselves they were no match for the superior numbers of the Indians. Attempts, therefore, were made to induce the Quakers to waive their religious scruples, and to take up arms for the defense of the Province. As might be expected, however, such efforts were utterly futile.

About the year 1705, Governor Evans determined to test the sincerity of the Friends in this matter, and he did it in rather a discreditable manner, a way that reflected as little honor on him as on his coadjutors. To accomplish his purpose, however, this officer caused reports to be widely circulated to the effect that the Indians were devastating the surrounding country, and that an immediate attack on the City of Philadelphia was to be apprehended. So far as the Quakers were concerned the experiment was entirely useless in securing the result which the Governor most desired. In this, their hour of trial, they remained steadfast. The time selected was the day on which they were accustomed to hold their regular weekly meeting, and, regardless of the tumult and consternation that pervaded the settlement, the majority of the Friends quietly assembled as usual to perform their appointed devotions. Of course, in any large body of persons, complete unanimity of action is not to be expected. Some individuals were disconcerted owing to the unexpectedness of the affair and the vivid descriptions of the terrible cruelties being perpetrated in the neighborhood. "The suddenness of the surprise," such are the words of the historian Proud, "with the noise of precipitation, consequent thereon, threw many of the people into very great fright and consternation, inasmuch that it is said, some threw their plate and most valuable effects

down their wells and little-houses ; that others hid themselves, in the best manner they could, while many retired further up the river, with what they could most readily carry off.”¹ With a thrill of pardonable pride, however, our author adds that only four Quakers were induced to arm themselves to repel the expected attack.

Through evil as well as through good report, the Friends continued firm in their pacific principles in general, and concerning their attitude towards the Indians they were literally immovable. As would be naturally supposed their conduct in this respect occasioned a great deal of trouble from the opposition ; but, no matter how severe and dogged this persecution might be, the members of the Society persisted in allegiance to their religious convictions. After Braddock’s memorable defeat, there was great commotion in Pennsylvania owing to apprehensions of the hostility of the enraged natives. With the exception of the adherents of the Society, the community united in advocating defensive measures. Those individuals residing on the frontier were incessantly inundating the Assembly with petitions for assistance. When it was ascertained, however, that all such attempts were perfectly idle, they resorted to intimidation, and threatened to come down in great crowds and cut the obdurate Governor and his advisers limb from limb, if steps were not taken, and that speedily, for what they considered the proper defense of the community. But these barbarous menaces were just as ineffectual as their former efforts, and when it was so discovered, a new device, novel in character, was adopted. In order to move the Quakers from their detested pacific policy, it was determined, as a last resource, to convey to Philadelphia the bodies of a whole family that had been recently massacred by the Indians. The record states that the remains really did arrive in the city like “frozen venison,” for it was midwinter. They were paraded through the town and finally deposited in front of the Legislative Hall,

¹ *Hist. of Pa.*, Vol. I, pp. 469-70.

where the law-makers could see for themselves the fiendish work of the savages. John Churchman, an eye witness of this spectacle, reports that the bodies "were carried along the streets—many people following, cursing the Indians, and also the Quakers, because they would not join in war for their destruction." These were indeed trying times for Friends. Experimental knowledge had, however, thoroughly convinced them that confidence in the Supreme Ruler of events was far better protection than a resort to arms. After thoughtful consideration, therefore, the only reply the Society vouchsafed to these menaces and hostile demonstrations was made in the language of the Scripture—"Fear not them that kill the body."

In the very teeth of fierce opposition, the Friends maintained their peaceable relations with the natives—relations which, from the very beginning, had assumed a very practical form. Mutual assistance appears to have been the dominant idea. Richard Townsend, the personal friend of William Penn, records the fact that "as our worthy proprietor treated the Indians with extraordinary humanity they became very civil and loving to us, and brought in abundance of venison." Penn on his part, says Mr. Bancroft, "often met the Indians in council, and at their festivals. He visited them in their cabins, shared the hospitable banquet of hominy and roasted acorns, and laughed, and frolicked, and practiced athletic games with the light-hearted, mirthful, confiding red men."¹

This friendship between the two races was so strong that Indians frequently came to visit socially, and even to live among the Quakers. Under such conditions, the influence exerted on them was very salutary, for here they acquired useful ideas regarding civilization which in time inured to the great profit of their people. The Indians were not slow either in recognizing the superior qualities of the Europeans and to argue from the kind treatment received that the

¹ *Hist. of U. S.*, II, 384.

Quakers were in reality their best councilors. In conversation, therefore, Philadelphia was frequently referred to as "their head;" thus symbolizing, under natural imagery, that the City of Brotherly Love was even greater than their chief, that to a great extent it directed and controlled their actions. On more than one occasion did the natives publicly declare that they gave no credence to damaging reports against the Friends, for they claimed complete identity with the people of Father Onas. If proof of this statement be required, it is found in a speech delivered by an Indian chief in the year 1715. He says, "that hearing of some murmurs among some of themselves, to prevent any misunderstanding, they now came to renew the former bond of friendship. That William Penn had, at his first coming, made a clear & open Road all the way to the Indians (by this meaning a friendly communication), that they desired the same might be kept open, and that all obstructions should be removed, of w^{ch} on their sides they will take care." In conclusion the speaker assured his audience that he earnestly desired "the Indians should be half English & the English make themselves as half Indians," so that "they should be joyn'd as one."¹

Numerous indeed were the Indians who bore testimony to the fact that they never received any other than good counsel from the Quakers, advice of such a character that it was always to their advantage to follow it implicitly. At an Indian council convened in the year 1720, the members almost unanimously declared they would always remember the words of their great and good brother, William Penn. They stated that since their chiefs had come in contact with the Quakers they had lived in almost uninterrupted tranquillity. "When the sun sets"—such was their language—"we sleep in peace; in peace we rise with him, and so continue while he continues in his course, and think ourselves happy in their friendship, which we shall take care to have continued from generation to generation."

¹ *Col. Rec. of Pa.*, Vol. II, pp. 628-29.

On another occasion, the Indians also assured the Governor that their relations with the Friends were a source of real satisfaction to them. They said: "We are happy to live in a Country at Peace, and not as in those Parts, where we formerly Liv'd; for then upon our Return from hunting, We found our Town surprized and our Women and children taken prisoners by our Enemies."¹ They perceived that "he that withholds his hand from war is wise;" and the Quakers, on their part, neglected few opportunities of farther impressing the unquestionable advantages of peace on the plastic minds of their red brethren. In the year 1719, for instance, the Friends expressed their hopes that the natives were "all fully convinced that Peace is better than War, which destroys you and will bring you nothing; your strong young People being first killed, the old Women and Children are left defenseless, who soon will become a Prey. And so all the nation perishes without leaving a name to Posterity." Moreover, logically argued the Quakers, this advice of itself was an unmistakable indication that we are your true friends, for if we were not then we "should encourage you to Destroy one another. For Friends save People from Ruin and Destruction, but Enemies destroy them."²

From this *résumé* it will be sufficiently evident that the actions of the Quakers relative to the Indians were invariably characterized by equity. In the light of facts, the verdict of the impartial historian must ever coincide with that expressed by the Friends themselves when they alleged, we have done better "than if, with the proud Spanards, we had gained the mines of Potosi. We may make the ambitious heroes, whom the world admires, blush for their shameful victories. To the poor, dark souls round about us we teach their rights as men."³

¹ *Col. Rec. of Pa.*, II, 403.

² *Ibid.*, III, 71.

³ *Planter's Speech*, 1684. Quoted by Bancroft, II, 383.

IV.

• ATTITUDE OF QUAKERS TOWARDS SLAVERY.

Originally, the actions of the Society with respect to the purchase and retention of slaves, differed but little from the ways of colonists of other religious persuasions. The reasons are obvious. The early Pennsylvanians possessed large allotments of land without a sufficient number of laborers for proper cultivation; they had large families without an adequate number of servants for the necessary domestic employment. It was only natural therefore that the Friends directed their attention to the negro as a means of supplying the existing deficiency. As Mr. Grahame observes, "it required more virtue than even the Quakers were yet prepared to exert, in order to defend them from the contagion of this evil."¹

During Penn's first visit to the Colony, a few blacks were imported into Pennsylvania. Subsequently Africans were literally poured into the Province to obviate the difficulties resulting from the scarcity of labor, and they were bought promiscuously by all—indifferently, by the Quakers and by the members of other denominations. William Penn, following the fashion set by his neighbors, purchased slaves without much thought concerning the matter, except perhaps to make the yoke comparatively easy. Of this statement we possess documentary proof. In a letter² to his steward, Penn tells that gentlemen, after discoursing on the subject of domestics,

¹ *Col. Hist. U. S.*, Vol. I, p. 535.

² *Letters to his Steward*, 1685.

“it were better they were blacks, for then we might have them for life.”

The first public act of the Proprietary relating to the negroes in his possession was simply to substitute the condition of adscripts to the soil for that of serfdom after fourteen years' service. At a later day he endeavored to secure to the Africans mental and moral culture, the rights and pleasures of domestic life. But these efforts to ameliorate their condition were only partially successful, and history tells us that William Penn died a slave owner. Had his life been prolonged, the narrative might have been different. For some time anterior to his decease, his mind had been gradually settling down to the conviction that it was morally wrong to own slaves, and his will contained provision for the emancipation of the negroes in his possession. “I give,” he writes in one section of the document in question, “my blacks their freedom as is under my hand already, and to old Sam, 100 acres, to be his childrens' after he and his wife are dead, forever.”

Although many Friends were thus engaged in purchases of this description, yet those constitutional principles, which belonged to the Society, caused its members to treat those whom they retained in their possession “with tenderness,” considering them in practice as well as in theory brethren, for whose spiritual welfare especially it was well to be concerned. The Friends, although they had not yet reached the objective point of manumitting their negroes, had always regarded them as human beings, and had ever favored all attempts to impart to them religious instruction. As can well be imagined such efforts never failed to excite alarm among slave owners. Many early enactments clearly reveal this consternation. Of course, legal expression could not be obtained for such a sentiment in Pennsylvania, but in some colonies it secured formal statement in legislative measures. In the Barbadoes, for instance, an act was passed in the year 1676, prohibiting “the people called Quakers from bringing their negroes into their meetings for worship,” even if these services were conducted in their own

residences. The preamble of the statute attempts to furnish extenuation for this conduct by alleging that whereas, many negroes have been suffered to remain at the meeting of Quakers as hearers of their doctrine, and taught in the principles, "that hereby the safety of this island may be much hazarded;" and the body of the enactment declares that all such action should be severely punished under the criminal law of the land. This kindness of the Friends towards their blacks contributed very largely to draw a veil over the iniquity and more repulsive features of the institution. Watson in his "*Annals*" testifies to the fact. This writer affirms that the slaves of Philadelphia, "were a happier class of people than the free blacks." Harsh treatment was frowned down by the weight of public opinion, and if it occurred, the offender was practically ostracised in consequence. The same punishments were meted out to criminals, irrespective of color distinctions; and the murder of a slave was always punishable with the death penalty. In short, slavery, barring of course the power legally belonging to it, was in general little more than servitude. But even kind treatment did not fulfil all the requirements of the situation. Quakerism was essentially a democratic system; no rank could be acknowledged. Its members were all subjects of one Supreme Sovereign—the Lord of lords, and the King of kings; consequently the relation of slave and master was diametrically opposed to one of the most esteemed articles in their doctrinal belief. Notwithstanding, therefore, the undeniable fact that the slaves were ordinarily well treated by their owners, it did not deter certain individuals from becoming uneasy about retaining human beings in slavery of any sort. Even at this early time to such persons the slave trade was the greatest bane in their colonial existence.

Amongst the echoes from those distant years, we frequently catch the sounds of sympathy for the enslaved—a commiseration gradually assuming the tangible form of condemning the retention of slaves at all, no matter what treatment they received, be it harsh or mild. As early as the year 1688, some

emigrants from Kresheim, Germany, who had adopted the principles of Penn, followed him across the Atlantic, and located at Germantown, entered their earnest protest against slavery, urging the inconsistency with the principles of the Christian religion of buying, selling, and holding men in bondage. Their memorial was illustrated in a very forcible manner. The petitioners argued that it was decidedly worse for professed Christians to possess slaves than for the Turks to enslave Christians, the one calling themselves by the name of Jesus; the other making no pretensions of following the meek and lowly Nazarene. "In Europe there are many oppressed for conscience sake; and here there are those oppressed which are of a black color." Moreover, when it should be reported abroad that the "Quakers do here handel men as they handel there the cattle," it would inevitably bring the Society into disrepute. Besides, the Friends were reminded that this iniquitous traffic caused almost incessant wars in Africa to supply the demand, and this fact was emphasized as an additional reason why the system *in toto* should receive their unqualified condemnation and strenuous opposition.

The document was first submitted to the Monthly Meeting. This body having duly considered its contents, declared "we find it so weighty that we think it not expedient for us to meddle with it here, but do rather commit it to y^e consideration of y^e Quarterly Meeting; y^e tenor of it being nearly related to y^e Truth." "It being a thing of too great a weight" for the Quarterly Meeting "to determine, the matter was recommended to the Yearly Meeting." By this assembly, "it was adjudged not to be so proper for this meeting to give a Positive Judgment in the case, It having so general a Relation to many other Parts, and therefore at present they forbear it."

And so for the time the affair rested. Popular opinion, however, was now thoroughly aroused, and from this time dates the inauguration of the Quaker crusade against the institution of slavery. The petition just mentioned was only the entering wedge of a struggle that after many years of

patient and laborious contest, terminated in a way that cannot fail to redound to the honor of the Society.

In compliance with the suggestion offered by the residents of Germantown, the Friends almost immediately passed a resolution declaratory of the unlawfulness of slavery. But this did not satisfy many persons who were now seriously cogitating upon this important subject. In the year 1693, both the "Apostates" and the "Christian Quakers,"¹ while at variance on several points, united in stating, in the most trenchant language, their abiding belief in the unrighteousness of an institution that elevated one man by depressing his fellow-creature. At this time earnest exhortation and caution were given to all the members of the Society concerning the purchase and retention of negroes—the essence of this admonition being, that, in the future, no one was to buy blacks except with the purpose of liberation.

The first really official action of the Society in regard to trading in slaves, however, appears to have been taken by the Philadelphia Yearly Meeting of 1696. After prolonged meditation, this assembly issued the following injunction to its constituents: "Whereas, several papers have been read relating to the keeping and bringing in of negroes, which being duly considered, it is the advice of this Meeting that the Friends be careful not to encourage the bringing in of any more negroes; and that such that have negroes, be careful of them, bring them to meetings with them in their families, and restrain them from loose and lewd living as much as in them lies, and from rambling abroad on First days or other times." But no more immediate effect resulted from this measure than an increased concern for the spiritual welfare of the slaves, who, in many instances, were permitted to attend divine worship in the same meeting-houses with their Quaker masters.

¹ Appellatives invented by George Keith to describe his opponents and followers respectively.

Such then was the state of affairs in the year 1700, when William Penn left England and again returned to Pennsylvania. It was with great sorrow that the Proprietary perceived that negro slavery in his beloved Colony exhibited, in some instances, the same hideous features that characterized that barbarous institution in other geographical sections. He informs us that his "mind had long been engaged" for the benefit of the subject race, and with the purpose of ameliorating their condition, he introduced two bills into the Assembly. The first, concerned principally with the morals of the slaves, was rejected; the second, regulating their trials and punishments, was passed. Through this action of the Assembly, Penn's attempts to improve the condition of the bondsmen by legal enactments were rendered partially inoperative. But his zeal in the good cause was by no means abated. The following excerpt, extracted from the minutes of the Monthly Meeting, affords ample testimony to his solicitude for the welfare of those in bondage: "Our dear Friend and Governor having laid before this Meeting a concern that hath laid upon his mind for some time concerning the negroes and Indians, that Friends ought to be very careful in discharging a good conscience towards them in all respects, but more especially for the good of their souls, and that they might, as frequent as may be, come to meetings upon First-days, upon consideration whereof this Meeting concludes to appoint a meeting for the negroes, to be kept once a month, etc., and that their masters give notice thereof in their own families, and be present with them at the said meetings as frequent as may be."

From this quotation, it becomes sufficiently evident that at this period of their history, the Quakers, as a denomination, seemed to have been more anxious for the moral instruction of the slaves than for their immediate emancipation. Weighty measures, however, require decades for maturity. The popular mind must be prepared; vicious habits eradicated; prejudices conquered; in short, innumerable obstacles of every sort removed. It was so in the instance we are now examin-

ing. First came the blade ; then the ear ; finally, the full corn in the ear. We must not, therefore, expect to find *all* the Quakers instantly severing every connection with this iniquitous business. By keeping this fact well in mind we are prepared to interpret correctly some of the enactments, which, without such guidance, would be wholly inexplicable. Thus while the majority of the Friends were conscientious in their relations towards their slaves—notoriously lenient in their treatment of them, some harsh measures were not unknown in Pennsylvania, as is clearly demonstrated by the early legislation of that period.

In 1705, for example, an “ Act for the Trial and Punishment of Negroes,” became law. By its provisions, lashes were inflicted for petty offences, and death for crimes of greater magnitude. “ If any Negro or Negroes within this Province,” such is the phraseology, “ shall commit a Rape or Ravishment upon any white Woman or Maid, or shall commit Murder, Buggery or Burglary, they shall be tried as aforesaid, and shall be punished with death.” For an attempted rape “ and for robbing, stealing or fraudulently taking and carrying away any goods, living or dead, above the value of Five Pounds, every Negroe, upon Conviction of any of the said Crimes, shall be whipped with Thirty-nine Lashes, and branded in the Forehead with the Letter R or T, and exported out of this Province by the Master or Owner, within Six months after conviction, never to return into the same, upon Pain of Death, and shall be kept in Prison till Exportation at their Masters, or Owners, or their own charge.”¹ Slaves were not allowed to carry weapons without a special license, and if they violated this regulation they were to be whipped, receiving twenty-one lashes. It was declared unlawful for more than four to meet together, lest they might form cabals, conspiracies or riots. They were to be whipped, also, if discovered abroad after nine o’clock at night without a pass.

¹ *Laws of Pa.*, Vol. I, pp. 45–6.

In 1707, two slaves were condemned to death, "for Burglary proved ag'st them." But as there existed no provision in the government "for a Competent restitution to the Owners who loose their Slaves by the hand of Public Justice," it was resolved that the death penalty should be remitted under the following conditions: that the slaves should "be led from the Market place, up y^e Second Street, & down thro' the front street to y^e Bridge, with their arms extended & tied to a pole across their Necks, a Cart going before them, and that they shall be severely Whipt all the way as they pass, upon the bare back and shoulders; this punishment shall be repeated for 3 Market days successively; in the mean time they shall lie in Irons, in the prison, at the Owners Charge, until they have such an Opportunity as shall best please them for transportation."¹

In 1711, the Friends determined to take a firm stand for the accomplishment of their final object. It was then that the introduction of slaves was strictly prohibited. The measure, however, being submitted to the Privy Council of England for assent, was promptly rejected by that body. The Quakers, although discouraged, were not cast down. In 1712, upon the presentation of a petition signed by many hands, they endeavored to accomplish their cherished object by assessing the large sum of £20 per capita on every slave subsequently imported into Pennsylvania. Progress ever begets progress and it was not long before this document evoked another still more aggressive in its characteristics. Even before the first petition had received consideration, another was submitted, in the name of a certain William Southeby, praying for the "*total* abolition of slavery in Pennsylvania." Both these measures, however, shared the fate of their predecessor and were canceled by the same transatlantic policy.

In 1715, a meeting was held, the avowed aim of which was to obtain a minute rendering unlawful any subsequent purchase

¹ *Col. Rec. of Pa.*, II, 402.

of slaves. For some reason or other, this Assembly failed to accomplish the object for which it had been convened. Some of the Quakers, however, did not require such a restraint. From conscientious scruples they refused to traffic in humanity. This fact is sufficiently well attested by a bit of correspondence, that has come down to posterity. In the same year, that is in 1715, one Jonathan Dickinson, a merchant of Philadelphia, writing to his correspondent in Jamaica, says, "I must entreat you to send me no more negroes for sale, for our people don't care to buy. They are generally against any coming into the country." In 1722, a further manifestation of the utter repugnance of the Society to negro slavery was made by an act of the Assembly imposing a high duty on the importation of blacks into the Province.

The Quakers had now commenced to have an abiding belief that slavery—"the selling of Joseph," "the root of bitterness," as it was variously termed—was inconsistent with the royal law of doing to others as we would have them do unto us. In their estimation, to subsist by the toil of those whom violence or cruelty had placed in their power was neither compatible with their profession as Christians, nor consistent with the mandates of common justice. They believed, moreover, that persistence in such an evil course would inevitably draw down the "displeasure of heaven" upon them.

John Woolman, describing a Southern tour made by him in the year 1746, declares, that "when I ate, drank, and lodged free of cost with people who lived in ease on the hard labor of their slaves, I felt uneasy; and as my mind was inward to the Lord, I found this uneasiness return upon me, at times, through the whole visit. Where the masters bore a good share of the burden, and lived frugally, so that their servants were well provided for, and their labor moderate, I felt more easy; but where they lived in a costly way, and laid heavy burdens on their slaves, my exercise was often great, and I frequently had conversation with them in private con-

cerning it.¹ To him all slavery, no matter whether lenient or not, was a "dark gloominess hanging over the land."

Slavery, so thought most of the Friends, violated the Saviour's command, "Love one another as I have loved you." They raised the pertinent question, how can we be said to love our brethren while we bring, or for selfish ends, keep them in bondage? Do we act consistently with this noble principle when we impose such onerous burdens on our fellow creatures? The meetings were strongly of the opinion that they did not; hence the Friends were advised, and earnestly exhorted, to make the cause of the colored people their own. If slaves were born in their families they were entreated to "consider them as souls committed to your trust, whom the Lord will require at your hands."

Many of the Society, translating this advice into practice, did make the slave-cause their own. In 1722 the following notice was inserted in the *Mercury Gazette* of Pennsylvania: "A person, lately arrived, freely offers his services to teach his poor brethren, the male negroes, to read the Holy Scriptures, without any charge." This magnanimity was by no means unique in its character. There were many other incidents worthy to be placed by its side. Philanthropy was as much a distinguishing feature of the people of Pennsylvania in the days of Quaker supremacy as it has been at any time since that era.

The majority of the Friends remained constant in their determination not to import slaves, and, to prevent any member of the Society who might be so inclined from introducing them, the Yearly Meeting of 1755 declared that if any of its constituents bought or imported slaves the overseers should "speedily inform the Monthly Meeting of such transgressors, in order that the meeting may proceed to treat further with them, as they may be directed in the wisdom of Truth." This decision did not visit the extreme penalty of excommunication

¹ *Journal*, 72.

upon offenders, but it simply excluded them from the more select meetings ; *i. e.*, those for discipline, and from the privilege of contributing to the pecuniary needs of the Society.

The resolution in its immediate operation appears to have produced little, if any, visible good. Some Quakers, of the liberal constructionist type, still persisted in participating in this traffic, and excuses of all sorts were freely urged in extenuation of their conduct. For example, the argument was frequently advanced that the wretchedness of the negroes, occasioned by their internecine wars, justified the whites in enslaving them ; for, in so doing, they were actually improving the condition of the blacks, and thus performing a philanthropic work. But Woolman at once perceived that this specious plea was founded on an egregious misconception. He clearly pointed out that it was the eagerness with which slaves were purchased, and this circumstance alone that “animates these parties to push on the war, and increases desolation among them.”¹

At this juncture some of the slave-owning Friends declared that the negroes were the offspring of Cain, their blackness being the unmistakable mark God had stamped upon the race after its founder had so cruelly murdered his brother Abel ; that it was the obvious design of Providence, therefore, that they should be slaves, as a condition proper to the tribe proceeding from an individual as desperately wicked as Cain certainly was. The other side was more than equal to the emergency. They contended, and that too on Scriptural authority, that the family of Noah were the only persons who survived the deluge ; and as this Patriarch was of Seth’s race, the descendants of Cain must have been utterly extirpated. The slave-owners were no sooner dislodged from this position than they entrenched themselves behind another Biblical argument. After the flood, said they, Ham went into the land of Nod and took a wife ; this country was far distant, inhabited

¹ *Journal*, 104.

by Cain's race, and was not submerged by the deluge; as Ham was sentenced to be a servant of servants to his brethren, the issue of these two abominably wicked families was doubtless intended for the position of slaves—indeed, they were suitable for nothing else. This was certainly a most formidable array of Biblical arguments; but the language of Woolman soon controverted such line of reasoning. He boldly appealed to their own judgment. "The flood," contended he, "was a judgment upon the world for their wickedness, and it was granted that Cain's stock was the most wicked, and therefore unreasonable to suppose that they were spared."¹ Moreover, he reminded his brethren that the Scriptures positively assert that "all flesh died that moved upon the earth."

The minority perceived the props taken one by one from their tottering cause, but yet they declined to surrender. Affairs continued in this unsatisfactory state for some time, although with the majority of the Friends it was now war to the knife with the institution of slavery. Nothing but absolute abolition being considered compatible with their profession as Christians.

In the Yearly Meeting of Philadelphia in 1758, the subject of slavery was vehemently discussed. Woolman, the apostle of emancipation, was present on this occasion, and his language will be employed to describe the action taken. "Many faithful brethren," writes our author, "labored with great firmness, and the love of truth in a good degree prevailed. Several who had negroes expressed their desire that a rule might be made to deal with such Friends as offenders who bought slaves in the future. To this it was answered that the root of this evil should never be effectually struck at until a thorough search was made in the circumstances of such Friends as kept negroes, with respect to the righteousness of their motives in keeping them, that impartial justice might be administered throughout." "Several Friends," his

¹ *Journal*, 106.

account continues, "expressed their desire that a visit might be made to such Friends as kept slaves, and many others said that they believed liberty was the negroes' right; to which, at length, no opposition was publicly made."¹ In conclusion, the members of the Society were earnestly and affectionately entreated to "steadily observe the injunction of our Lord and Master, 'To do unto others, as we would they should do unto us;' which it now appears to this meeting, would induce such Friends who have any slaves to set them at liberty—making a Christian provision for them, according to their age."

Unfortunately, however, such benevolent opinions appeared very far from the creed of the recreant slave owners, who in direct opposition to the admonitions of both meetings and Friends, persisted in their pernicious ways. Consequently, the Quakers were compelled to resort to other expedients for the attainment of their object. The Friends, although never an exclusive sect in the strict sense of the word, had, up to this time, attempted no united effort. In a struggle of such paramount importance, however, the applicability of the old motto—In union there is strength—was evident. All religious predilections were to be temporarily banished, and the Society now proclaimed its perfect willingness to act in concert with all those, who, without reference to denominational belief, were, as regards this one cardinal topic, of the same faith and order.

In 1774, therefore, an alliance, offensive as well as defensive, was consummated with all such persons, in order to make a grander, and, as it was hoped, a more effectual effort for the suppression of this iniquity. It appears almost superfluous to add that the actuating cause of such combination was not to shift responsibility. The Quakers considered themselves relieved of no part of their obligation. True, they would urge others, but they would also labor unceasingly themselves. And measures more stringent in character

¹ *Journal*, pp. 137-8.

were soon directed against any of their congregation who should offend in this particular. About this time it was declared that all Quakers concerned in importing, selling, purchasing, transporting slaves in any possible way were to be excluded from membership; or, in the peculiar Society phrase, *disowned*.

The Quakers were commanded to shun even the appearances of evil. They were to abstain from any participation in slavery themselves, and were to pass a sort of non-intercourse act against those who, contrary to all admonitions, still persisted in such conduct. All Friends were earnestly cautioned and advised against acting as executors or administrators of estates where slaves were bequeathed or likely to be retained in servitude. They were not even to serve as scribes for such individuals, for by so doing they became instrumental, in a certain degree, in perpetuating bondage. Many are the recorded instances in which penmen, of the Quaker persuasion, absolutely refused to write such documents; and if they eventually complied with the request it was always under protest. The experience of John Woolman in this respect is only typical of a class. "My employer," such are his words, "having a negro woman, sold her, and desired me to write a bill of sale, the man being waiting who bought her. The thing was sudden, and, though the thought of writing an instrument of slavery for one of my fellow creatures made me feel uneasy, yet I remembered I was hired by the year, that it was my master who directed me to do it, and that it was an elderly man, a member of our Society, who bought her. So, through weakness I gave way and wrote, but, at executing it, I was so afflicted in my mind, that I said before my master and the Friend, that I believed slave-keeping to be a practice inconsistent with the Christian religion."

On another occasion, he informs us that an acquaintance desired him to draw up his last testament. "I knew," says Woolman, "he had slaves, and asking his brother, was told he intended to leave them as slaves to his children. As writing is a profitable employ, and as offending sober people was disagreeable to my inclination, I was straitened in my

mind ; but as I looked to the Lord, he inclined my heart to his testimony. I told the man that I believed the practice of continuing slavery to this people was not right, and that I had a scruple in my mind against doing writings of that kind ; that though many in our Society kept them as slaves, still I was not easy to be concerned in it, and desired to be excused from going to write the will.”¹ The friend expostulated in vain. Woolman remained loyal to his conscience. He declared it was perfectly clear to him that he “ought not to be the scribe where wills are drawn,” by which human beings are continued in a life-long slavery. Here, as elsewhere, even the man who runs may read on the page of history, that, although self-interest has in many instances exercised despotic sway, altruism has not been altogether unknown.

In 1776, after much prayerful consideration, the Yearly Meeting took final action. A statute of excommunication was launched against every member who should longer detain a negro in a state of bondage. It was declared in the most unequivocal manner that “where any members continue to reject the advice of their brethren, and refuse to execute proper instruments of writing for releasing from a state of slavery such as are in their power, or to whom they have any claim, whether arrived to full age or in their minority, and no hopes of the continuance of Friends’ labor being profitable to them ; that Monthly Meetings after having discharged a Christian duty to such, should testify their disunion with them.” In accordance with this resolution, the subordinate meetings were directed to “deny the right of membership to such as persist in holding their fellow men as property.” Thus the same year that the English Colonies in America declared themselves independent of Great Britain, the slaves of the Quakers in Pennsylvania were to be manumitted. But in the earnestness of the Society still more aggressive measures were to be taken. In 1778, another

¹ *Journal*, pp. 80-1.

injunction was added to the long list relating to slavery. It was then announced that all children of emancipated slaves should be tenderly advised, and that a suitable education should be freely provided for them.

The decree of absolute emancipation had now gone forth, but the complete abolition of slavery was not so speedily accomplished as some of the Friends in their eagerness desired. The reasons for the delay were many and various. Prominent among them was the fact that the slave owner, even if inclined to liberate his slaves, had many impediments besetting his path. Besides having to struggle against great pecuniary loss, he was compelled to contend with obstacles that the law imposed. To see the difficulty superimposed by legislation upon emancipation, we need only to turn the leaves of some of the colonial statute books. In Pennsylvania, where the law was probably the most favorable in this respect, the individuals liberating their slaves were obliged to enter into bond for the payment of £30, so as to provide for the possibility of the freedman becoming chargeable for maintenance.

As early as the year 1759, however, Woolman had said, "the case is difficult to some who have slaves, but if such set aside all self interest, and come to be weaned from the desire of getting estates, or even from holding them together, when truth requires the contrary, I believe way will so open that they will know how to steer through those difficulties."¹ True to his prophetic assertion, the way did open; or, to speak more accurately, the Quakers blazed out for themselves a path in this as yet untrodden forest. Notwithstanding all the pecuniary and legal obstructions that seemed to block the way, they could not be restrained from doing what they were convinced was morally right. Many manumitted their slaves without the slightest regard to possible consequences. Others, while performing the same meritorious action, afforded the most splendid illustrations of philanthropy. They not only consented to surrender their property—thereby incurring the pen-

¹ *Journal*, p. 136.

alties attending manumission—but they also calculated and gave (deducting the cost of food and clothing) what was due the slaves for wages from the beginning of their servitude to the very day when their liberation was declared. This was done in many instances. The case of Warner Mifflin, who paid all his adult slaves on their discharge the sum which arbitrators mutually chosen awarded them, may be selected as a concrete example.

While the Society was thus performing its duty to the slaves and free people of color within their jurisdiction, a desire began to awaken among its members for the extinction of slavery throughout the length and breadth of America. From this time on, formal memorials and remonstrances relative to this subject were repeatedly laid before persons placed in high authority as well as before the public at large. Petitions were frequently presented to Congress, and other legislative bodies, praying for the total suppression of this barbarity.¹ But the Quakers did not confine exclusively their exertions to such efforts. They went further. Not content with manumitting their own negroes, they even endeavored to liberate all the people of color that chanced to come within the boundaries of their State.

General Washington, writing from Mount Vernon under the date April 12, 1786, speaks of the case of a certain Mr. Dably, residing at Alexandria, whose slave had escaped to Philadelphia, and “whom a society of Quakers in the city, formed for such purposes, have attempted to liberate.” From Mr. Dably’s account of the occurrence, General Washington concluded “that this society is not only acting repugnantly to justice, so far as its conduct concerns strangers, but in my opinion impolitically with respect to the State, the city in particular, without being able, except by acts of tyranny and oppression, to accomplish its own ends.”² The expression of

¹ These efforts were not to go unrewarded. Influenced mainly by the unceasing endeavors of the Quakers, the Legislature of Pennsylvania passed an act abolishing slavery in the year 1780.

² Sparks, *Washington*, IX, 158.

such opinions, however, caused the Quakers little, if any, concern. They were firmly persuaded that even if their endeavors were not in strict conformity with human legislation that their conduct was approved by a higher, by a divine mandate, and this was of infinitely more importance to them.

The year 1778 marks the consummation of the struggle. At this time, as far as the author's reading extends, there was not a slave in the possession of an acknowledged Quaker within the confines of the State of Pennsylvania.

By way of recapitulation, it should be remarked that the obnoxious practice of slave-holding had apparently obtained a footing among the members of the Society before they awoke to a realization of the iniquity of the institution. Those of their number who had always been convinced of its sinfulness, never tired of declaiming against its unlawfulness and urging the utter repugnance of slavery to a high religious profession. But the enthusiasm of these social reformers was invariably tempered with Christian prudence and forbearance. Their method of procedure was always characterized by discretion as well as by perseverance. Persuasion constituted the only weapon employed against those whom they believed to be in error. Compulsion was never resorted to. Day after day, month after month, year after year, did they patiently exhort and labor with their wayward brethren who persisted in retaining their fellow creatures in a state of bondage. From first to last the abolitionists among the Friends sought by example and argument to induce the colonists, especially the members of their own denomination, to abstain from any participation in this traffic in humanity. Though often discouraged, they did not grow weary in well-doing, and in due season the harvest was reaped ; for, after a lapse of nearly a century of uninterrupted endeavor, their efforts were crowned with glorious success. Then was secured the end after which they had striven so long and faithfully—the recognition that all men are by nature free and equal.

X-XI

COLUMBUS AND HIS DISCOVERY
OF
AMERICA

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History—*Freeman*

TENTH SERIES

X-XI

COLUMBUS AND HIS DISCOVERY
OF
AMERICA

By HERBERT B. ADAMS, PH. D., and HENRY WOOD, PH. D.

Professors in the Johns Hopkins University.

BALTIMORE
THE JOHNS HOPKINS PRESS
October and November, 1892

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JOHN MURPHY & CO, PRINTERS,
BALTIMORE.

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COLUMBUS AND HIS DISCOVERY OF AMERICA.

I.¹

"Was this his face, and these the finding eyes
That plucked a new world from the rolling seas?
Who, serving Christ, whom most he sought to please,
Willed his one thought until he saw arise
Man's other home and earthly paradise—
His early vision, when with stalwart knees
He pushed the boat from his young olive-trees,
And sailed to wrest the secret of the skies?

"He on the waters dared to set his feet,
And through believing planted earth's last race.
What faith in man must in our new world beat,
Thinking how once he saw before his face
The West and all the host of stars retreat
Into the silent infinite of space!"²

Those faithful, finding eyes of Columbus! For now four hundred years they have looked outward upon the westward

¹This address, by Professor Herbert B. Adams, was given at the Peabody Institute, Monday evening, October 10, 1892, to the officers and students of the Johns Hopkins University, and their friends, at the opening of the seventeenth academic year.

²This noble poem, "On a Portrait of Columbus," by Professor George E. Woodberry, of Columbia College, first appeared in *The Century Magazine*, May, 1892. The fine portrait which accompanied Mr. Woodberry's poem in that number was a copy of the "Columbus" now preserved in the Museum of the Ministry of Marine at Madrid. The picture was shown in enlarged form to the audience during the reading of the poem and the paragraph immediately following it.

course of empire in the new hemisphere which he first opened to discovery and conquest. Our modern eyes seek in vain to arrest that steadfast, far-away gaze, which seems to be looking into a future beyond our own. In the radiant light of the four hundredth anniversary of the discovery of America, millions of men and women will look upon this man's face with curious or admiring eyes; but when this generation, and many hundred years shall have passed away, those "finding eyes" will still be shining on through art, and poetry and history, like stars in the firmament.

There is a certain immortality in a great deed, like that of Columbus, which makes the doer, even though in many respects an ordinary man of his time, forever memorable. The discovery of America has been called the greatest event in secular history. This dictum may shock the ancients and startle the moderns; but let the mind of reflecting students range at will, through the centuries, back and forth in the galleries of human achievement, and determine if you can what single secular deed even approximates in grandeur and far-reaching historic significance to the finding of a new world on this earth, with which planet alone history is concerned. What are all the conquests of antiquity, or the decisive battles and great inventions of mankind, compared with America, time's noblest offspring? The passage of Christopher Columbus across the western sea, bearing the weight of Christendom and European civilization, opened the way for the greatest migrations in human history, for the steady march of enlightened nations towards civil and religious liberty. The discovery of America was the first crossing of Oceanus, that great and murmuring stream, which flowed around the old Mediterranean world. Amid the groaning and travailing of human creation, men burst the confines of that outward sea and began to people new continents. I tell you, sirs, the modern history of Europe, with its long exodus of hungry, landless peoples, with its epoch-making wars, its revolutions in church and state, were conditioned by that one secular event called the discovery of America.

Great deeds in history do not, however, stand alone. High mountains, grand and imposing though they may seem to the distant beholder, are after all simply conspicuous parts of our common earth. The loftiest peaks descend gradually to foothills, upland plateaus, lower plains, and finally to the level of the all-uniting sea. Nothing is isolated in nature or in human achievement. Great discoverers are like mountain-climbers, who by the aid of material vantage-ground and human experience, ascend height upon height until at last they stand like stout Balboa, when, silent upon a peak in Darien, with eagle eye he stared at the Pacific.

The discovery of America was foreordained from the beginning of the old classic world, when geographical science first began to move, "but slowly, slowly, creeping on from point to point," around the headlands of the Mediterranean Sea. Six hundred years B. C. the bold Phœnician sailors, under Egyptian auspices, circumnavigated Africa, sailing from East to West around what we now call the Cape of Good Hope, and returning in three years past the pillars of Hercules, through the straits of Gibraltar. Five hundred years before Christ, Hanno, the Carthaginian, anticipated the Portuguese discovery of the Canary Islands and the west coast of Africa.

Pythagoras and the Greek philosophers taught that the world is round. Plato, inspired by current traditions, based perhaps on physical facts, wrote in his dialogues of the continent of Atlantis, which had been submerged in the western sea. Aristotle believed that the inhabited earth, *oikoumenê gê*, was only one of several continents. He had the correct theory of the globe. Indeed, all modern discovery was anticipated in the following scientific statement: "In common speech," says Aristotle, "we speak of our world (*oikoumenê*) as divided into continents and islands. This is wrong. The *oikoumenê*, as known to us, is really a single island, lying in the midst of the Atlantic. Probably there are other similar *oikoumenai*, some larger than ours, some smaller, separated from it by the sea."

In his treatise on the Heavens (ii, 14), Aristotle said "those persons who connect the region in the neighborhood of the Pillars of Hercules with that towards India, and who assert that in this way the sea is *one*, do not assert things very improbable." Here is a full-orbed scientific idea which finally conquered and possessed the round world.¹ Greek thought was prophetic. Greek history foreshadowed the history of Europe, which is simply a greater Hellas, as America is an imperial and transatlantic Magna Graecia. Nothing of Greece doth fade but suffers a sea-change into something rich and strange. All our modern discoveries, colonization, politics, art, education, civilization, Christendom, the Oikoumenê, the great globe itself, are simply Greek ideas enlarged by historic processes of development.

"The word unto the prophet spoken
Was writ on tables yet unbroken;
The word by seers or sibyls told,
In groves of oak, or fanes of gold,
Still floats upon the morning wind,
Still whispers to the willing mind.

¹"Greek speculation survived, though it missed reduction into practice. Strabo, who was master of all the geographical fact and theory of his time, was not likely to neglect Aristotle's memorable conjecture of more *oikoumenai* than one. With almost prophetic insight, he even improved on it. Besides a Terra Australis, such as Aristotle had indicated, he clearly foreshadowed the discovery of a Terra Occidentalis, occupying the same latitudes as the old *oikoumenê* itself. 'Possibly,' he says, 'the same temperate zone may contain two or more *oikoumenai*. It is even likely that such are to be found in the parallel of Athens.' Were this the case, the physical objection to the practicability of a westward voyage to India would probably cease: for the new *oikoumenai* might serve as stepping-stones to the westward explorer. This remarkable anticipation goes far to justify the words of an enthusiastic modern geographer, who declares that the nations of Europe from remote antiquity were gifted with a divine intuition which revealed to them another great world beyond their horizon, and whispered that this world was their natural patrimony. Aristotle had guessed at the plurality of *oikoumenai*: Strabo suggested the existence of another *oikoumenê* occupying the same latitudes as the old world, that is, the existence of America." (*History of the New World Called America*, vol. I, pp. 36-37, by Edward John Payne.) Strabo, i, 31, quoting Krates, speaks of the western voyage of Menelaos from Gades to India (Dr. A. Gudeman, Philological Association, J. H. U.)

We have been taught that Hebrew prophecy was history and Hebrew history was prophecy. There is a remarkable verse from Seneca, who has won eternal fame from Clio for these few words, once prophetic now historic :

Venient annis saecula seris,
Quibus Oceanus vincula rerum
Laxet, et ingens pateat tellus,
Tethysque novos detegat orbes,
Nec sit terris ultima Thule.

—*Medea*, 378–382.

In the Columbian library at Valladolid there is a copy of Seneca's tragedies published at Venice in 1510. Upon the margin of the verse from the *Medea* which has been quoted, Ferdinand, the son of Columbus, wrote in Latin, "This prophecy was fulfilled by my father, Christopher Columbus, the admiral, in 1492."

Dante was the poet-prophet of the Middle Ages and the historian of ancient culture. In the twenty-sixth canto of the *Inferno*, the Italian poet, under the guidance of the Latin Virgil, meets Odysseus, the Grecian type of Columbus, the adventurous navigator, who had sailed every sea. To Dante Odysseus narrates how once he and his companions steered westward past the pillars of Hercules, out upon the ocean, seeking a new world.

" 'O brothers, who amid a hundred thousand
Perils,' I said, 'have come unto the West,
Be ye unwilling to deny the knowledge,
Following the sun, of the unpeopled world.
Consider ye the seed from which ye sprang ;
Ye were not made to live like unto brutes,
But for pursuit of virtue and knowledge.'
So eager did I render my companions
With this brief exhortation for the voyage,
That then I hardly could have held them back."

They rowed away from the morning and made wings of their oars for a mad flight into another hemisphere. They

came at last to a high mountain and a new land, but there arose a whirlwind and it smote upon the ship. Three times the vessel whirled about and then sank beneath the sea with all on board. Thus Odysseus and his companions came into the under world.

One century after the time of Dante there lived in the republic of Florence another poet-prophet, a contemporary of Savonarola and of Columbus. In a poem called the Greater Morning, Morgante Maggiore, this poet Pulci, who died five years before the discovery of America, made this remarkable prophecy, translated by Prescott in his "Ferdinand and Isabella," Vol. II, 117 :

" his bark
The daring mariner shall urge far o'er
The Western wave, a smooth and level plain,
Albeit the earth is fashioned like a wheel.
Man was in ancient days of grosser mould,
And Hercules might blush to learn how far
Beyond the limits he had vainly set
The dullest sea-boat soon shall wing her way.
Men shall descry another hemisphere,
Since to one common centre all things tend ;
So earth, by curious mystery divine,
Well balanced hangs amid the starry spheres.
At our Antipodes are cities, states
And thronged empires ne'er divined of yore."

—Pulci, *Morgante Maggiore*, Canto 25: 22.

Turning from the poet-prophets, let us briefly notice the relation of schoolmen, churchmen, and scientific men to Columbus. In the year 1267 a Franciscan friar at Oxford collected from classical, Arabian and Hebrew literature the chief arguments concerning the possibility of reaching Asia by sailing westward from Europe. This Franciscan was Roger Bacon, the scholastic forerunner of Lord Bacon and a pioneer of experimental methods in science and philosophy. In his *Opus Majus* the great schoolman of Oxford wrote the following extraordinary summary of the best scientific views of the world's geography : " Aristotle says that there is not

much ocean between the western parts of Spain and the eastern parts of India. He thinks that more than a fourth part of the surface of the globe is habitable. Averrhoes confirms this. Seneca says that this sea might be crossed in a few days with a favorable wind. Pliny says that people have actually sailed from the Arabian Gulf to Cadiz. Now the Arabian Gulf is a whole year's voyage from the Indian sea, so that it is clear that the eastern extremity of Asia cannot be a long way from us. The sea between Spain and Asia at any rate cannot possibly cover three-fourths of the surface of the globe. Besides, it is written in the fourth Book of Esdras, that six parts of the earth are habitable, and the seventh is covered with water. . . . Therefore I say that though the *oikoumenê* of Ptolemy be confined within one-fourth of the globe's surface, more of that surface is really habitable. Aristotle must have known more than other people, because by Alexander's favor he sent out two thousand men to enquire about these matters. So must Seneca; for the Emperor Nero sent out people to explore in the same way. From all this it follows that the habitable surface of the earth must be considerable, and that which is covered with water but small."

In the year 1410, nearly one hundred and fifty years after Roger Bacon penned this remarkable passage, a famous churchman, Cardinal D'Ailly, Bishop of Cambrai, wrote an encyclopædic work called the *Imago Mundi*, in which all this geographical information is carefully repeated from the learned Franciscan of Oxford. Cardinal D'Ailly was president of the ecclesiastical commission which condemned John Huss to the stake in the year 1415, but that book called the *Imago Mundi* kindled in Spain a beaconlight which shot across the western sea. The book was not published until the year 1490 but manuscript copies of it were widely known in the second half of the fifteenth century. Doubtless Columbus, who could read Latin, was an early student of the Cardinal's work. Indeed Columbus owned a printed copy

of this famous book and it is still preserved in the Columbian library at Seville with his own marginal notes.

The influence upon Columbus of his reading upon the subject of physical geography is clearly indicated in the following extract from the narrative of his third voyage, sent to Ferdinand and Isabella from the Island of Hispaniola: "I have always read, that the world comprising the land and the water was spherical, and the recorded experiences of Ptolemy and all others, have proved this by the eclipses of the moon, and other observations made from east to west, as well as by the elevation of the pole from north to south. But as I have already described, I have now seen so much irregularity, that I have come to another conclusion respecting the earth, namely, that it is not round as they describe, but of the form of a pear, which is very round except where the stalk grows, at which part it is most prominent."¹

In one of his letters Columbus thus summarizes his reading of classical and Arabian authorities through the medium of the *Imago Mundi* of Cardinal D'Ailly: "Pliny writes that the sea and land together form a sphere, but that the ocean forms the greatest mass, and lies uppermost, while the earth is below and supports the ocean, and that the two afford a mutual support to each other, as the kernel of a nut is confined by its shell. The Master of scholastic history, in commenting upon Genesis, says, that the waters are not very extensive; and that although when they were first created they covered the earth, they were yet vaporous like a cloud, and that afterwards they became condensed, and occupied but small space: and in this notion Nicolas de Lira agrees. Aristotle says that the world is small, and the water very limited in extent, and that it is easy to pass from Spain to the Indies; and this is confirmed by Averrhoes, and by the Cardinal Pedro de Aliaco, who, in supporting this opinion,

¹*Select Letters of Christopher Columbus*, translated and edited by R. H. Major, p. 134. Edition of 1870.

shows that it agrees with that of Seneca, and says that Aristotle had been enabled to gain information respecting the world by means of Alexander the Great, and Seneca by means of the Emperor Nero, and Pliny through the Romans; all of them having expended large sums of money, and employed a vast number of people, in diligent inquiry concerning the secrets of the world, and in spreading abroad the knowledge thus obtained. The said cardinal allows to these writers greater authority than to Ptolemy, and other Greeks and Arabs; and in confirmation of their opinion concerning the small quantity of water on the surface of the globe, and the limited amount of land covered by that water, in comparison of what had been related on the authority of Ptolemy and his disciples, he finds a passage in the third book of Esdras, where that sacred writer says, that of seven parts of the world six are discovered, and the other is covered with water.”¹

All science, like all literature, simply combines existing elements into fresh forms. Columbus breathed upon the dry bones of ancient and mediaeval geography, and they sprang together into vital form. A towering genius for discovery, beckoning him westward, seemed to arise before the mind's eye of that simple Genoese sailor, as he read the pages of the *Imago Mundi*, in which the geographical wisdom of the ancients had drifted to the western shore of Europe. Mr. Winsor, in his critical work on “Christopher Columbus: how he received and imparted the spirit of discovery,” says, p. 457: “Bacon it was who gave that tendency to thought which, seized by Cardinal Pierre D'Ailly, and incorporated by him in his *Imago Mundi* (1410), became the link between Bacon and Columbus.”

In an address before the Royal Geographical Society, in June, 1892, Mr. Clements R. Markham, an English naval officer, and a leading authority upon Columbus, represents him as one of the most skilful navigators of his time. The

¹ *Select Letters of Christopher Columbus*, pp. 144-146.

republic of Genoa was the centre of nautical science, and Columbus early became versed in all the mathematical and astronomical knowledge necessary for a good pilot and captain. It is very doubtful whether Columbus was educated, as some have said, at the University of Pavia; but he was an intelligent student and a persistent reader of cosmographical science. In 1501 he wrote: "At a very early age I became a sailor, and a sailor I have been ever since. . . . For forty years have I followed this calling. Whithersoever men have sailed to this day, thither have I also sailed. I have held traffic and converse with the wise and prudent, churchmen and laymen, Latins and Greeks, Jews and Moors. . . . During this time have I seen and made it my study to see, all writings, cosmography, histories, chronicles, philosophy and other arts, so that the hand of the Lord plainly opened my understanding to see that it was possible to sail from hence to the Indies, and set on fire my will for the execution thereof."

Columbus went to Portugal in 1472, at the age of 25. He went as young men now go to Chicago and the west. Lisbon was a city of enterprise and bold endeavor. For more than a hundred years skilful Genoese pilots, the best navigators of their time, had been in the service of the Portuguese government. They had found anew those long-lost sunset Islands of the Blest, now known as the Madeira and Canary Islands. Genoese sailors had even discovered the Azores, a thousand miles to the westward, half way across the broad Atlantic. Down the western coast of Africa had pushed those bold pilots from Genoa in the service of the most western State in continental Europe. Already in the thirteenth century Portuguese expeditions had passed Cape Non, a promontory so dangerous to navigators that men used grimly to say, "Whoever passes Cape Non will return or *not*." In 1435 Cape Bojador was doubled, and thus headland after headland was conquered as Portuguese discovery crept past Cape Blanco, Cape Verde and ever southwards to the region of Sierra Leone, where Hanno, the Carthaginian, had seen negroes and gorillas two thousand

years before. What motives lured men ever onward? Love of adventure, the hunt for gold, the trade in slaves and ivory. The Phoenicians, the Carthaginians, the Arabians, and the Moors had all been engaged in the business of slave dealing. The Mohammedans taught it to the Portuguese and they taught it to the English.

A noble, scientific example to Columbus was his early contemporary, Prince Henry, the navigator, who sought a new route to India by way of the west coast of Africa. He had established a naval observatory at Sagres, the land's end of Portugal, the Sacred Promontory of the ancients, who supposed it to be the point farthest west on the habitable earth. There Prince Henry founded not only an observatory, but a school of geography. Thither like sea-gulls around a light-house flocked scholars, teachers, map-makers, and adventurous mariners. There, says John Fiske in his *Discovery of America*, I, 319, Prince Henry "spent the greater part of his life; thence he sent forth his captains to plough the southern seas; and as year after year the weather-beaten ships returned from their venturesome pilgrimage, the first glimpse of home that greeted them was likely to be the beacon-light in the tower where the master sat poring over problems of Archimedes or watching the stars."

Was there ever such a seminary for the training of geographers and discoverers of new lands? Prince Henry died in 1463, nine years before Columbus came to Portugal, but that scientific and adventurous spirit lived on in Lisbon, which was now the centre of geographical science. Bartholomew, the brother of Columbus, was already established there as a maker and publisher of maps recording Portuguese discoveries. Columbus himself was skilled in this art. He once said, "God gave me ingenuity and skill in designing charts and inscribing upon them, in the proper places, cities, rivers, mountains, isles, and ports." Indeed, he joined in many of those Portuguese maritime expeditions, and speaks of voyages to Guinea. Shortly before Columbus came to Lisbon, two Portuguese

noblemen, Santaren and Escobar, had sailed down the Gold Coast and crossed the equator. Thence the land was found to bear away southwards. The Portuguese began to despair of ever doubling the continent of Africa and of reaching India by an eastern route.

Just here the grand idea of Columbus, of Cardinal D'Ailly, of Roger Bacon, and of Aristotle sprang into new life. It became clear to the Genoese pilot that the problem of a quick route to India was to be solved not by further and interminable groping down the African coast, but by boldly sailing westward around the globe. In 1474 the King of Portugal sought the advice of Paul Toscanelli, the great physicist in the republic of Florence, concerning a possible route to India. Shortly afterwards Columbus appealed to the same authority, and Toscanelli's answer is preserved. It is a clear and scientific statement of the whole case :

"Paul, the physicist, to Christopher Columbus, greeting. I perceive your great and noble desire to go to the place where the spices grow ; wherefore in reply to a letter of yours, I send you a copy of another letter, which I wrote some time ago to a friend of mine, a gentleman of the household of the most gracious King of Portugal, . . . in reply to another, which by command of His Highness he wrote me concerning that matter : and I send you another sailing chart, similar to the one I sent him, by which your demands will be satisfied. The copy of that letter of mine is as follows :

"Paul, the physicist, to Fernando Martinez, canon, at Lisbon, greeting. . . . I have formerly spoken with you about a shorter route to the places of Spices by ocean navigation than that which you are pursuing by Guinea. The most gracious king now desires from me some statement, or rather an exhibition to the eye, so that even slightly educated persons can grasp and comprehend that route. Although I am well aware that this can be proved from the spherical shape of the earth, nevertheless, in order to make the point clearer and to facilitate the enterprise, I have decided to exhibit that route

by means of a sailing chart. I therefore send to his majesty a chart made by my own hands, upon which are laid down your coasts, and the islands from which you must begin to shape your course steadily westward, and the places at which you are bound to arrive, and how far from the pole or from the equator you ought to keep away. . . . Do not wonder at my calling *west* the parts where the spices are, whereas they are commonly called *east*, because to persons sailing persistently westward those parts will be found by courses on the under side of the earth.”¹

Toscanelli's letter gives an elaborate and glowing description of the wealth of Cathay, the populous country of the Great Khan or King of Kings. "This country is worth seeking by the Latins, not only because great treasures may be obtained from it,—gold, silver, and all sorts of jewels and spices,—but on account of its learned men, philosophers and skilled astrologers." Toscanelli like Solomon was loyal to science and thus associated wisdom with rubies. He also expressed a commendable modern interest in the politics and administration of the country of Great Khan. In conclusion the Florentine professor of physics took special pains to inform Columbus that Lisbon was about 6,500 miles from "the great and splendid city of Quinsay," the Chinese King-see or Peking. From the island of Antilia to "the very splendid island of Cipango" it was only 2,500 miles. Toscanelli, following Marco Polo, said that island abounded "in gold, pearls, and precious stones, and they cover the temples and palaces with solid gold."

Marco Polo has been called "the true predecessor of Columbus." Polo spent seventeen years in China and was familiar with the geographical character of the Orient. He had been in the civil and diplomatic service of the Great Khan, whom he represented as the emperor of the far East. Upon his return to Europe Marco Polo gave a brilliant description of

¹ John Fiske, *Discovery of America*, Vol. I, p. 356.

the wealth of Cathay and especially of Zipango or Japan. Columbus became familiar with the writings of the Venetian traveller and it was the main object of the Genoese to reach the land of pearls and spices, the great archipelago comprising thousands of islands off the southeast coast of Asia.

Here we are at the bottom of the whole matter as it lay in the mind of Columbus. Away with idle talk about Vineland and the Norse Sagas, legends of northern discovery revived centuries after this era of Columbus. Although he did visit Iceland in 1477 he was now bent upon the discovery of the Zipango of Marco Polo and of more distant Cathay by a westward route according to the map and instructions of Toscanelli. That the Genoese pilot clearly apprehended the ideas of the Florentine physicist is perfectly apparent from another letter written by Toscanelli to Columbus. One extract tells us the whole story: "I regard as noble and grand your project of sailing from east to west according to the indications furnished by the map which I sent you, and which would appear still more plainly upon a sphere. I am much pleased to see that I have been well understood, and that the voyage has become not only possible but certain, fraught with honor as it must be and inestimable gain, and most lofty fame among all Christian people." The Italian physicist died in 1482, ten years before America was discovered.

Columbus first brought his project to the attention of King John of Portugal. It was by him referred to a joint commission of learned men and ecclesiastics, who declared that the scheme was altogether visionary and impracticable. The King's confessor, however, advised that the theory of Columbus be tested by a secret expedition. His charts were borrowed and the voyage was actually attempted, but it failed on account of the cowardice of the crew, who were beaten back by Atlantic storms. Columbus then went in disgust, and in some pecuniary embarrassment, to Spain in the year 1484 and there spent eight years in diligent propaganda of his noble scientific faith. It was condemned as heresy by narrow-

mind men, who said there could not be any antipodes, or human beings on the other side of the world; for all men were descended from Adam and the known world had already been divided among his descendants. Moreover, if Columbus and his ships should sail down the watery slope towards the west, they could never get back again; it would be like sailing up a mountain. With such learned arguments did the wise men of Spain oppose the grand project of Columbus. But he made a few good friends among the more intelligent clergy. Most helpful of all during this long and discouraging period of neglect was Juan Perez, prior of the monastery at La Rabida, near Palos, where Columbus left his son Diego to be educated. "Let hatred and envy know," says Castelar, the Spanish statesman, "that the humble Franciscan monk, Juan Perez, in truth discovered the New World, through his deep friendship and admiration for Columbus." There was a woman at court, the Marchioness de Moya, who befriended Columbus; and there was also a keen-witted Italian churchman, Geraldini, who said one day to Cardinal Mendoza, the Queen's confessor: "Good theologians are these critics of Columbus, but mighty poor cosmographers."

Into the wanderings of the Spanish court from city to city, into the long story of patient waiting and fruitless appeals for government-aid we need not enter here. The final triumph is closely associated with the surrender of the Alhambra and the Moorish capital by Boabdil to Ferdinand and Isabella. For more than seven hundred years the Christian powers of Spain had been struggling with the Moslem. Granada was the last stronghold of the infidel. For seven centuries Spain had held back the tide of Mohammedan invasion pouring in from the two continents of Africa and Asia. With this flood forever turned away from Western Europe, Spain was now ready to undertake the heroic enterprise of Columbus, to conquer and people a western world. Rather than to suffer rival France to profit by his scheme, the Spanish government appointed Columbus admiral, viceroy, governor-general of all

islands and territories that he might discover beyond the seas. Money for the expedition came not from the sale of the Queen's jewels, as is commonly said, but from her husband's cash-box, on his wife's promise to repay. Ferdinand had been confiscating Jewish property in Aragon and expelling Israelites from the kingdom. Not jewels but Jews were the real financial basis of the first expedition of Columbus. The entire outfit cost about \$100,000.

The Jews were expelled from Spain August 2, 1492. On the very next day Columbus sailed from Palos, with three vessels and men numbering in all about one hundred and twenty. Among them there was of course a clever Jewish interpreter who could speak Arabic, Coptic, Armenian, and other oriental languages. Columbus carried a Latin letter of introduction from Ferdinand and Isabella to the Great Khan. An historian went with the expedition to record the truth, a notary to draft treaties and attach all movable property in the West; a physician and a metallurgist were also on board. Curiously enough there sailed peaceably together on this first voyage to the New World an Irishman and an Englishman. The little fleet was detained at the Canary Islands until the sixth of September, when the admiral put out to sea from the harbor of Gomera and sailed west for nearly five weeks.

“Behind him lay the gray Azores,
Behind the gates of Hercules;
Before him not the ghost of shores;
Before him only shoreless seas.
The good mate said: ‘Now must we pray,
For lo! the very stars are gone.
Speak, admiral! what shall I say?’
Why, say ‘sail on! sail on! and on!’”

The great poets are after all the best historians. Antiquarians and critics sometimes grope blindly for the sunshine of truth in the wilderness of trees, through swamps and tangled undergrowth, while poets remain upon the hill-tops in the sunlit open under the full-orbed day, and look out over forest

and fen to the sparkling sea. I have read many accounts of Columbus' first great voyage of discovery, but nowhere have I found so much of the real meaning of that world-historic event as in the Psalm of the West, by our own Baltimore and University poet, Sidney Lanier. The heroic spirit of Columbus speaks through these lines and the spirit giveth light:

"Ere we Gomera cleared, a coward cried,
Turn, turn : here be three caravels ahead,
From Portugal, to take us : we are dead !
Hold Westward, pilot, calmly I replied.
 So when the last land down the horizon died,
Go back, go back ! they prayed : our hearts are lead.—
Friends, we are bound into the West, I said.
 Then passed the wreck of a mast upon our side.
See (so they wept) God's Warning ! Admiral, turn !—
Steersman, I said, hold straight into the West.
 Then down the night we saw the meteor burn.
So do the very heavens in fire protest :
Good Admiral, put about ! O Spain, dear Spain !—
Hold straight into the West, I said again.

"Next drive we o'er the slimy-weeded sea.
Lo ! herebeneath (another coward cries)
The cursèd land of sunk Atlantis lies :
This slime will suck us down—turn while thou'rt free !—
But no ! I said, Freedom bears West for me !
 Yet when the long-time stagnant winds arise,
 And day by day the keel to westward flies,
 My Good my people's Ill doth come to be :
Ever the winds into the West do blow ;
Never a ship, once turned, might homeward go ;
Mainwhile we speed into the lonesome main.
For Christ's sake, parley, Admirals ! Turn, before
We sail outside all bounds of help from pain !—
Our help is in the West, I said once more.
 * * * * *

"I marvel how mine eye, ranging the Night,
 From its big circling ever absently
 Returns, thou large low Star, to fix on thee.
Maria ! Star ? No star : a Light, a Light !
 Wouldst leap ashore, Heart ? Yonder burns—a Light

Pedro Gutierrez, wake ! come up to me.
I prithee stand and gaze about the sea :
What seest ? *Admiral, like as land—a Light !*
Well ! Sanchez of Segovia, come and try :
What seest ? *Admiral, naught but sea and sky !*
Well ! But *I* saw it. Wait ! the Pinta's gun !
Why, look, 'tis dawn, the land is clear : 'tis done !
Two dawns do break at once from Time's full hand—
God's, East—mine, West : good friends, behold my Land !”

An island was first seen in the moonlight at a distance of about six miles by a common sailor named Rodrigo de Triana, on board the Pinta, at about two o'clock in the morning. The journal of Columbus records that he himself and Pedro Gutierrez had seen the light moving up and down like a candle at about ten o'clock in the evening. Justin Winsor, in his recent work on Columbus (p. 510), maintains that he could not have seen a light, for if it had been ahead the discoverers would have stopped; if it had been abeam they would not have left it. According to the log-book of Columbus, he sailed straight on for four hours at the rate of twelve miles an hour. This was apparently reckless navigation for an experienced admiral who had seen a light off shore or on shore.

The apparent difficulty is solved by a theory of Rudolf Cronau, the latest German authority upon the landfall of Columbus. Cronau thinks that the three caravels sailed past the light and the island on the north or south side and in the morning found themselves on the west or lee side of Watling's Island, where they landed in a safe harbor now known as Riding Rocks. With a strong wind blowing from the east Columbus would not have dared to land anywhere except on the leeward side. The physical geography of Watling's Island has served to identify the landfall of Columbus and at the same time enables us to believe with Cronau that the watchful admiral may indeed have seen the moving light on the east side four hours before the sailor Roderigo discovered land on the west side. At any rate it was character-

istic that the first enterprising American should have gone west for some distance before disembarking.

Columbus afterwards claimed and received the reward offered by the King and Queen for the discovery, because he had first seen the light. The poor sailor Roderigo de Triana thought himself wronged, and after his return to Spain he is said to have renounced Christianity and to have made his abode with the Mohammedans, "whom he regarded as a juster people." All of which goes to show what a faithful, honest soul Roderigo possessed and how high he valued his soul and his religion in comparison with a pension for the discovery of a new world.

In the Boston Public Library there is the Roman edition, the *editio princeps* of the first letter¹ of Columbus on his return to Spain, announcing the discovery of America. It is reproduced in fac-simile by the heliotype process in the Bulletin of the Library for October, 1890. It is the rarest work in American history, of which it is the true beginning. The following extract is from the translation by R. H. Major, editor of the *Select Letters of Columbus* (London, 1847, Publications of the Hakluyt Society). The letter is addressed to the lord of the treasury, Raphael Sanchez :

"Thirty-three days after my departure from Cadiz I reached the Indian Sea, where I discovered many islands, thickly peopled, of which I took possession without resistance in the name of our most illustrious Monarch, by public proclamation and with unfurled banners. To the first of these islands, which is called by the Indians Guanahani, I gave the name of the blessed Savior (San Salvador), relying upon whose protection I had reached this as well as the other islands; to each

¹ A fac-simile of the letter in Spanish of Christopher Columbus, written on his return from his first voyage and addressed to Luis de Sant Angel, 15 Feb.-14 March, 1493, announcing the discovery of the New World, was issued in 1889 by Ellis & Elvey, 29 New Bond Street, London, from a unique copy in the possession of Mr. Brayton Ives, of New York.

of these I also gave a name." Then follows a careful and most interesting description of the first expedition.

Columbus thought he had discovered certain islands lying off the eastern coast of Asia not far from Japan. He had no idea that he had approached an entirely new continent. "His discovery," says Mr. Winsor, "was a blunder; his blunder was a new world; the new world is his monument!" Harris, the best American authority upon Columbus, takes a liberal view of this historic blunder, which opened the way to the real truth regarding America. Harris likens the discovery by Columbus to the first detection of the planet Neptune by Le Verrier, the astronomer who announced that certain irregularities in the motion of Uranus were due to disturbing influences by some unknown body in the heavens. By following his suggestions, skilled observers found a new planet on the first of January 1847, and yet many of Le Verrier's original computations were found to be erroneous. So it was with the geographical calculations of Columbus. He had supposed that Japan was only about twenty-five hundred miles distant from the Canaries. Even Toscanelli, the great physicist of Italy, had blundered in extending Asia eastward upon his map by nearly the entire width of the Pacific Ocean, although he had calculated the earth's circumference within one hundred and twenty-four miles of the correct estimate.

If Columbus had known the true distance from the Canary Islands to Japan, probably he would never have dared to attempt a voyage of twelve thousand miles upon unknown seas. The historic blunder which he made was simply an historic necessity, like many other human mistakes in science and philosophy. The great contribution which Columbus made to human knowledge was that he demonstrated the existence of lands in the west, beyond the Atlantic Ocean and thus "linked forever the two worlds." Harris regards this discovery as the greatest in modern times. Alexander von Humboldt calls Columbus a giant standing on the confines between mediæval and modern

history and says "his existence marks one of the great epochs in the history of the world." Mr. Clements R. Markham maintains that all the discoveries made by other navigators, in the lifetime of Columbus, on the coasts of America, (except that of Cabral), were directly due to the first voyage of the admiral and should be classed as Columbian discoveries. Las Casas, a contemporary of Columbus, took the same historic view and said the admiral was the first to open the gates of ocean which had been closed for thousands of years: "It was he that put the thread into the hands of the rest by which they found the clue to more distant parts."

Modern critics of Columbus sometimes tell us that he began his maritime career as a pirate and a sea-rover. So did the Vikings of Scandinavia and the mariners of England. Spirits of the Danes and Norsemen! Shades of Drake and Hawkins! Who, if not pirates, were the original makers of Normandy and England? "Brave sea-captain," says Carlyle. "Norse sea-king—Columbus, my hero, royalest sea-king of all." Columbus, we are told, was a kidnapper and a slave-trader. So were all the great voyagers of his time. Even Prince Henry the Navigator supported his naval college at Sagres by the slave trade. Are we men of the nineteenth century so far removed from the treaty of Washington in 1842 which stopped the slave trade that we can talk reproachfully of it in the fifteenth century? Columbus, it is said, scornfully, was a seeker after gold.¹

¹ We should not forget in the consideration of this gold-hunting spirit of Columbus, that he was driven on not only by the spirit of his time but by a natural desire to pay the expenses of his expedition and to satisfy the insatiable greed of his sovereign patrons. Personally he had a large ambition to use the spoil of the new world for the purpose of a new crusade. Savonarola and Columbus were in spirit among the last of the crusaders. The inroads of the Turks and the capture of Constantinople in 1453 inflamed mens' imaginations with schemes of oriental conquest and for the delivery of Jerusalem from the infidel. This crusading and religious spirit in Columbus was fostered by the long wars of Spain with the Mohammedans and by the final triumph of Ferdinand and Isabella over the Moorish kingdom of Granada in 1492.

What have men been doing since the beginning of the world or even since the Argonauts sailed westward to California in 1849? The poor Genoese pilot was ambitious. Ah, yes! Men do say that Caesar was ambitious. Columbus wanted, not a crown, but a vice-royalty in his island realm. What a craven he would have been, with his royal soul, to have accepted less power and honor than was accorded to Spanish admirals of his time.¹

"I ought to be judged," said Columbus in one of his later letters, "as a captain sent from Spain to the Indies, to conquer a nation numerous and warlike, with customs and religion altogether different to ours; a people who dwell in the mountains, without regular habitations for themselves or for us; and where, by the Divine will, I have subdued another world to the dominion of the King and Queen, our sovereigns; in consequence of which, Spain, that used to be called poor, is

¹ In the prerogatives granted to Christopher Columbus by the King and Queen of Spain, at Granada, April 30, 1492, he was given the powers of vice-roy and governor over the new lands that he might discover: "For as much as you, Christopher Columbus, are going by our command, with some of our vessels and men, to discover and subdue some Islands and Continent in the ocean, and it is hoped that by God's assistance, some of the said Islands and Continent in the ocean will be discovered and conquered by your means and conduct, therefore it is but just and reasonable, that since you expose yourself to such danger to serve us, you should be rewarded for it. And we being willing to honour and favour you for the reasons aforesaid; Our will is, That you, Christopher Columbus, after discovering and conquering the said Islands and Continent in the said ocean, or any of them, shall be our Admiral of the said Islands and Continent you shall so discover and conquer; and that you be our Admiral, Vice-Roy, and Governour in them, and that for the future, you may call and style yourself, D. Christopher Columbus, and that your sons and successors in the said employment, may call themselves Dons, Admirals, Vice-Roys, and Governours of them; and that you may exercise the office of Admiral, with the charge of Vice-Roy and Governour of the said Islands and Continent, which you and your Lieutenants shall conquer, and freely decide all causes, civil and criminal, appertaining to the said employment of Admiral, Vice-Roy, and Governour, as you shall think fit in justice, and as the Admirals of our kingdoms use to do."—*Charters and Constitutions of the U. S.*, Part I., p. 304.

now the most wealthy of kingdoms. I ought to be judged as a captain, who for so many years has borne arms, never quitting them for an instant. I ought to be judged by cavaliers who have themselves won the meed of victory; by knights of the sword and not of title deeds; as least, so it would have been among the Greeks and Romans, or any modern nation in which exists so much nobility as in Spain.”¹

Something of the haughty spirit of Cortes and Pizarro was in this Columbus of ours. By all accounts he was noble and even kingly in his appearance. He could not be false to his royal nature. Columbus is blamed for cruelty to his men. A commanding officer must sometimes be cruel in dealing with cut-throats, pirates, and mutineers. Columbus, we are told, did not succeed in ruling his colony and in preserving order. Possibly he was not cruel enough. Indeed Columbus was far too good a man for the company he kept and for the King he served. Columbus was loyal to his own standards of duty to church and State; but Ferdinand, the king who had proved false to both Moors and Jews, thought nothing of breaking his promise to Columbus. At the end of his third voyage he was superseded in office and was sent home to Spain a royal captive.

Tarducci² says of Columbus, “the chains in which he had been brought home as a prisoner from the New World, and which he had always kept hung up in his room as a memorial of the reward bestowed for his services, he directed to be placed in his sepulcher after his death; and his will was in this respect punctually executed. No one seemed aware of his passing away. The death of the discoverer of the New World [in 1506 at the age of fifty-nine]³ passed without notice within the walls of the city [Valladolid] where he died. . . .

¹ *Select Letters of Columbus*, pp. 169–170.

² Tarducci's *Life of Columbus*, p. 365.

³ Mr. Clements R. Markham has determined by various lines of historical argument, that 1447 was the year of the birth of Columbus.

But the oblivion with which the malice of his enemies succeeded in surrounding his person was soon dispelled by the brilliant splendor of his fame, to which time gave ever-increasing strength and vigor. . . . King Ferdinand was forced to yield to the growing influence, and ordered a monument erected to the man he had caused to expire in poverty and anguish in a lodging house.”¹

The world has gone on building monuments and erecting statues in honor of Christopher Columbus. The popular heart beats truer than the pulse of princes or detractors. The fame of Columbus has been slowly maturing through the centuries, but it has blossomed gloriously after four hundred years. In 1792 Baltimore was the only American city possessing a monument in honor of the discoverer of the New World. This monument now stands on the grounds of the Samuel Ready Asylum, between North Avenue and the Harford Road. It is an obelisk, forty-four feet and four inches high. The base is six and a half feet square; the top is about two and a half feet square. The monument is made of brick and mortar, stuccoed or cemented on the outside so that it has the appearance of grey sandstone. Some of our resident Baltimoreans are not quite sure whether this modest shaft was not erected by Zenos Barnum in memory of a favorite horse;² but

¹ The low state to which Columbus was reduced at the time of his fourth voyage to America is described in the following extract from his letter to the King and Queen of Spain: “Such is my fate, that the twenty years of service through which I have passed with so much toil and danger, have profited me nothing, and at this very day I do not possess a roof in Spain that I can call my own; if I wish to eat or sleep, I have nowhere to go but to the inn or tavern, and most times lack wherewith to pay the bill. Another anxiety wrung my very heartstrings, which was the thought of my son Diego, whom I had left an orphan in Spain, and stripped of the honour and property which were due to him on my account, although I had looked upon it as a certainty, that your Majesties, as just and grateful Princes, would restore it to him in all respects with increase.” (*Select Letters of Christopher Columbus*, p. 179).

² The origin of this extraordinary tradition, in which many honest people continue to believe, is possibly due to a popular confusion of the Columbus

others who are better informed indignantly reject such a shallow and vulgar tradition. The balance of probability is overwhelmingly against the notion of a horse named "Christopher Columbus" dying on the 12th of October, 1792, on the three hundredth anniversary of the discovery of America. The inscription on the west side of this monument is engraved upon a marble slab and reads as follows :

SACRED
TO THE
MEMORY
OF
CHRIS
COLUMBUS
OCTOB. XII
M D C C V I I I C .

The Roman numerals VIII are placed before the final C to indicate that they are to be subtracted from one hundred, thus leaving the date 1792. This archaic inscription is of itself sufficient evidence of the honest and historic purpose of the man who erected the monument. The managers of the Samuel Ready Asylum have a record of the ownership of their estate which has been traced back through Baltimore land records as far as 1787. In 1789 the property came into the possession of a Frenchman named Charles Francis Adrian le Paulmier Chevalier d'Anmour. To some critics and scoffers the unconscionable length of this name and a popular corruption of it into the form of *D'Amour* have made it seem fictitious, but the Chevalier D'Anmour was an historic character, who ought never to have been forgotten in our local history. He was the first French consul in Baltimore. He

monument with the Wilkens monument to a horse, in the western neighborhood of Baltimore on the Frederick road. This latter monument is, however, very modern.

is mentioned in the Journals of Congress as far back as October 27, 1778, soon after our first treaty with France. He was the first appointed consul in the State of Maryland, with a commission from Gérard, minister plenipotentiary and consul-general. In 1779 and 1780 D'Anmour's commission was extended to Virginia and North Carolina. In 1783 the Chevalier became consul-general of France for the State of Maryland, the Commonwealth of Virginia, and the States of North Carolina, South Carolina, and Georgia (See Journals of Congress, vol. III., 102, 330, 427; vol. IV., 263). In the Maryland Journal and Baltimore Advertiser of December 17, 1782, the following marriage is recorded: "The Honourable Le Chevalier D'Anmour, His Most Christian Majesty's Consul for the Middle District of the United States, to Miss Julia De Rocour, a young Lady lately arrived here from the West Indies." In the Journals of Congress the name is spelled in various ways,—D'Anemours, D'Annemours, and D'Anmour. The latter appears to be the phonetic form into which the original name was finally reduced.

It is clear from the land records of Baltimore that the Chevalier D'Anmour owned the estate upon which the Columbus monument, bearing the date 1792, now stands. The French consul acquired the property in 1789 and held it until 1796, when it passed into the hands of Archibald Campbell. In the library of the Maryland Historical Society there may be seen by any visitor a framed map of Baltimore, printed in 1801, showing the Campbell estate and upon it a picture of the monument in question. This simple fact ought to discredit forever the absurd popular tradition of a monument "*Sacred to the Memory*" of Zenos Barnum's horse. The Campbell estate did not come into the possession of the Barnum family until the year 1833—more than forty years after the Columbus monument was erected. The inscription October 12, 1792, upon a monument erected upon D'Anmour's own land and near his own house, ought to be taken at its face value as demonstrating the historic commemoration, by the

generous and public spirited Chevalier, of the tercentenary of the discovery of America. The very existence of the monument with its marble tablet and historic inscription, proves that its founder was an admirer of Columbus and a friend of the land potentially discovered on that historic day, October 12, three centuries before. The important point which now remains for Baltimoreans to establish is this: their Columbus monument is probably the oldest¹ in the New World in honor of its discoverer.

Next to Baltimore comes Washington in point of priority in doing honor to Columbus in North America. The east

¹ In the appendix to this address Mr. Charles W. Bump, a graduate student of the Johns Hopkins University, has prepared a list of the various monuments to Columbus, with the aid of Mr. Frederick A. Ober, recently of the Latin American Department of the World's Columbian Exposition and special commissioner of the West Indies. From this list it will appear that the Baltimore monument to Columbus antedates the Havana monument by three years.

The existence of this Baltimore monument in memory of Columbus was first made known to Johns Hopkinsians in 1876, the opening year of the University, by its first librarian, Arthur Wellington Tyler, who in company with the present librarian, Mr. N. Murray, and his brother, Professor T. C. Murray, chanced one day while walking in the country to find this curious obelisk of brick and stucco in a grove of cedar trees, near the remains of some rude earth-works that had been hastily thrown up for the defence of Baltimore in the time of the late civil war. In 1876, North Avenue had not yet been opened and the monument stood at some distance from the nearest thoroughfare. The writer well remembers the mild excitement produced in a small academic circle by the startling announcement made by Mr. Tyler of his discovery of a monument to Christopher Columbus in the neighborhood of Baltimore. The historical department went out in a body of one, with the original discoverers, to see the obelisk and its remarkable inscription. It was the first archaeological discovery by Johns Hopkinsians and it created an historical enthusiasm akin to that of the Pickwick Club, when its founder discovered a Roman inscription, which, however, some skeptics interpreted as "Bil Stumps His Mark." Our ardor for Columbian inscriptions was somewhat dampened when we were told by native Baltimoreans that the "Chris Columbus" monument was erected in memory of a horse bearing that historic name. But to this day some of us have continued in our original faith and have steadfastly maintained that a

portico of the Capitol has broad stone steps flanked by large buttresses. On the south buttress there is a large marble group representing the discovery of America. It was executed by an Italian sculptor named Persico in 1846 at a cost of \$40,000. Columbus is represented holding aloft a small globe inscribed "America," while at his side crouches an Indian maiden. The figure of Columbus is encased in armor. The bronze door, called the "Columbus Door" at the main entrance to the Capitol, was modelled at Rome in 1858 by Randolph Rogers, the American sculptor, and was cast in Munich in 1860. It is nineteen feet in height and nine feet wide. It weighs 20,000 pounds and cost \$28,000. On it are designs

monument, bearing the inscription "Sacred to the Memory of Christopher Columbus, October 12, 1792" must be the memorial of a man and not of a beast, of an historic event and not of an equine death and burial.

The subject was first carefully investigated by a writer for the *Baltimore American*, November 19, 1880. The opening of Boundary Avenue had brought the old-time monument within plain view of passers-by. The contributor to *The American*, although born and reared within half a mile of the spot, said that he had never known, until three months before, of the existence of the monument. He proceeded to describe its location and appearance: "On the east side of the Harford turnpike, leading out of Baltimore City, adjoining what has for several years past been known as 'Darley Park,' about one and a half miles from the City Hall, has stood for a century past an old-fashioned, substantial and spacious mansion house, with numerous outbuildings, all of stone and old English brick. It is just discernible through the branches of numerous aged trees, at a distance of perhaps three hundred yards from the road. For half a century it has been known as the Barnum property, having been, and still being, in the possession of the family of that name, who were the founders of the famous Barnum's Hotel. Thirty or forty years ago the elder David Barnum resided here. The tract comprises about twenty-five acres, and the grounds around the old mansion house, although sadly out of repair since the death of David Barnum some twenty years ago, are still inviting and picturesque, with their box-wood walks, bordered roadways lined with rows of cedars, fine old fruit trees, and rosebush clusters here and there. In the rear, southeast corner of the enclosure stands the Columbus Monument, on an elevated plateau, which seems to have been artificially arranged."

The reporter then gave the legendary accounts of the monument, with various popular stories all manifestly inventions and absolutely untrust-

in high relief illustrative of the career of Columbus. The casing is covered with emblematic designs and on the top of the arch is a bust of Columbus. There are eight panels on the door and also a transom panel. On them the following scenes represent to the eye the life of our hero: the examination of Columbus before the Council of Salamanca; departure of Columbus from the convent of La Rabida for the Spanish Court; Columbus before the court of Ferdinand and Isabella; departure of Columbus from Palos on his first voyage of discovery; Columbus landing at San Salvador; first encounter of Columbus with the Indians; triumphal entrance of Co-

worthy; but, at the same time, he gave the correct and historic view, that the shaft was erected by the first French consul in Maryland, who had bought the estate upon which the monument now stands. "Early in the present century," the writer continues, "the property was owned by Thomas Tenant, a wealthy, influential and a leading citizen of Baltimore. One of his daughters, became the wife of Hon. John P. Kennedy. Another daughter is now living at an advanced age, in New York City, and only two years since paid a visit to the old homestead and sat beneath the shadow of the Columbus monument. She stated that it stood in her early childhood just as it stands now, and was often visited by noted Italians and Frenchmen, who seemed to know of it in Europe."

The subject of the Columbus monument was investigated anew by an undergraduate student of the Johns Hopkins University, Mr. Victor Rosewater, son of the editor of *The Omaha Bee*, which first published the young writer's results. They were afterward revised by him in New York and were republished in *Frank Leslie's Illustrated Weekly*, December 20, 1890. Rosewater's original article was accepted by Mr. William E. Curtis, of the Bureau of American Republics, and became the basis of an official account of the Baltimore monument and also of his recent article on "Columbus monuments," in *The Chautauquan* for November, 1892. Another article on the Baltimore monument to Columbus appeared in the *Baltimore American*, August 4, 1891.

The present writer is greatly indebted to Mr. Henry F. Thompson, of the Maryland Historical Society, for valuable information and references confirming the above historic view of the Columbus monument. Mr. Thompson lived in its immediate vicinity in his early life and is perfectly confident, from his own family traditions, that the shaft was erected in memory of the discoverer of America.

lumbus into Barcelona; Columbus in chains; death bed of Columbus.

In the National Museum at Washington there is a most interesting relic of Columbus, namely a piece of the bolt to which he was chained in the fortress at San Domingo. There is also to be seen in the National Museum an old door from the convent at La Rabida at Palos, where Columbus found shelter for himself and son with the good prior Juan Perez. At the World's Fair in Chicago there will be exhibited a magnificent collection of relics, photographs, and pictures illustrating Columbus and his time.

Many cities now have a Columbus statue. The Italian citizens of Baltimore have placed in our Druid Hill Park, a statue of their great countryman, by Achille Canessa. Philadelphia has a Columbus statue in her Fairmount Park. In New York, at the west entrance to Central Park, stands the noblest statue of the noble Genoese pilot. It was presented to the people of this country by the Italians of the United States, Canada, Mexico, and Central America. It is of Carrara marble, and was modelled by Gaetano Russo, an Italian sculptor in Rome. It is one of the finest works of modern Italian art. This international monument, with its granite base and column, stands seventy-five feet high. At the base of the column there is a statue of the genius of Italy bending over a globe and discovering a new continent. On the opposite side there is a representation of the American eagle holding the shields of Genoa and Spain. There are also two bronze reliefs upon the base, one picturing Columbus and his men when they first saw land and the other showing the first landing. At Madrid there is a fine statue of Columbus representing him in the solemn religious act of taking possession of the New World in the name of Christian Spain. He stands looking steadfastly upward, with the flag of Spain in his hand. In the city of Genoa there is the grandest monument in the world in honor of Columbus.

The various statues and portraits¹ of the great navigator have no uniform type; but what matters it whether we have the man's exact likeness in marble or on canvas? It is the ideal Columbus that the world wishes to commemorate. Purified and ennobled, his great soul has become again incarnate in the imagination of artists and of great peoples who unite to do him honor in this Columbian year.

Let no one regret that the New World was not named in honor of Columbus. As Pericles said of the Athenian generals slain: "The whole earth is the monument of illustrious men." The name "America" is a beautiful and worthy Germanic name meaning rich in industry, in active busy life. It was not an honor stolen from Columbus by Amerigo Vespucci, the Florentine, but it was bestowed by a German monk, Martin Waldseemüller, upon the land which Amerigo had so well described in his letters to the Medici. The motive was at once scientific and monkish. Europe, said Martin the geographer of the monastic college of San Dié, was named after a woman; let us have one continent named after a man.

The eternal womanly has risen triumphant and serene in "Columbia," the spirit of American liberty. It was no calamity for Columbus that he was prevented from becoming the viceroy, the Pizarro of the new world or from stamping his name upon a continent. In losing all, he gained all; and the Holy Mother Church will perhaps some day pronounce

¹ Pictures of some of the monuments and statues above mentioned and of certain portraits of Columbus were exhibited during the delivery of Dr. Adams' address. Among others was shown the Lotto portrait of Columbus, described by Mr. John C. Van Dyke in *The Century Magazine* for October, 1892.

In a recent address, October 26, before the Union League Club of Philadelphia, Mr. Chauncey M. Depew says that he met Columbus at the Chicago celebration and asked him if he was going to stay with us. "Well," he said, "after seeing about five hundred of my alleged portraits around this city, I have made up my mind to return."

him blessed. Happy already is this modern St. Christopher,¹ who brought the colonies of Christian Europe across the western sea.

One hundred years ago the discoverer of America was first publicly honored in this City of Baltimore. To-day we recall and apply to him the spirit of our own Baltimore motto, which by some curious historic chance has come down to us in the language of Italy and of Columbus. *Fatti maschii, parole femine*, manly deeds and womanly words, belong to the world-pilot of Genoa as well as to Lord Baltimore, the first great American apostle of tolerant opinion. The manliest deed in American history was that first great voyage of Columbus across an unknown, western sea. The generous and true-hearted words of our Baltimore poet have nobly characterized that great Italian who led the way to this larger world. The Psalm of the West by Sidney Lanier, the laureate of our University, who though dead will speak forevermore in words of music, is the noblest tribute to the historic memory of Christopher Columbus. We Hopkinsians honor the great Captain for his immortal deed, which first brought the old

¹ In connection with his book on *America; Its Geographical History*. (Extra Volume XIII of the Johns Hopkins University Studies.) Dr. Walter B. Scaife has brought out a fac-simile of the American portion of Juan de la Cosa's map of the world, 1500, representing also St. Christopher carrying the Christ-child across the sea. Mr. R. H. Major has used a chromolithograph of this picture as the frontispiece to his second edition (1870) of the *Select Letters of Columbus*. Mr. Major and others have suggested that St. Christopher represents Christopher Columbus carrying the Christian faith across the Atlantic, and that the face is a portrait. In corroboration of this idea, Mr. Major quotes Herrera's description: "Columbus was tall of stature, with a long and imposing visage. His nose was aquiline; his eyes blue; his complexion clear, and having a tendency to a glowing red; the beard and hair red in his youth, but his fatigues early turned them white." The late Henry Stevens once said that the Cosa map is the most precious cartographical document relating to the New World. This map was bought some years ago by the Queen of Spain and it is now in the Naval Museum at Madrid.

World into historical contact with the New. The light he saw—

“It grew a starlit flag unfurled !
It grew to be Time’s burst of dawn.
He gained a world ; he gave that world
Its grandest lesson : ‘On and on !’”

What indomitable purpose was that of Columbus ! It was steadily pursued through twenty years of ridicule, with at first only two men and two women who did not laugh at him,—Juan Perez the Franciscan, Diego Deza the Dominican, the Marchioness de Moya and Queen Isabella. Think of it ! The organized forces of society, church, state, and university, all arrayed against him ! But he mastered them all,—prelates, courtiers, and learned doctors of Spain. He conquered the prejudices of a thousand years and then died a martyr to his heroic cause. Christopher Columbus, the son of Italy, the heir of all the ages, he did this great and manly deed ; he discovered a world. *He did it ;* for that reason we honor him. He sacrificed all ; and for this reason we love him.

“Men, my brothers, men the workers ever reaping something new ;
That which they have done but earnest of the things which they shall do.”

In the fields of science and religion, in art and letters, in civic and social reform, in the improvement of great peoples and in the elevation of mankind, there are still new worlds for discovery and conquest. The heavens above and the earth beneath and even the depths of the great sea are full of fresh materials for observation and research. The beauty of this rolling cosmos is that the infinitely small is as wonderful as the infinitely great. From the red planet Mars and the new moon of Jupiter to a microscopic germ of life or black death, the range of all scientific inquiry is equally noble and rewarding. Let us then, comrades all, press forward. As Aeneas said to his companions, “It is not too late to seek another world.”

II.

THE DISCOVERY OF AMERICA.¹

A new world discovered is a gift too large for anything less than the whole world to receive. Columbus thought to enrich Castile with the treasures of the Indies, and enriched Europe with treasures which beggared all Asia in comparison. He called every islet after the tutelary saints of Spain, and the continent they skirt was named by a German. He labored for his own age, and other centuries have entered into his labors. He sought an inheritance for the heirs of his body forever, and a people of sixty millions now invite his last descendant to come and pronounce that inheritance fair.

But the discoveries fraught with largest destinies to man have always found human agents, in some measure worthy of them. The deed that dwarfs the beholder looks with levelled eyes into the soul of the doer. The Columbus who died neglected in a Spanish inn, so forgotten already in life, that not one ear seems to have marked the bell that tolled the passage of his mounting spirit,—this man made no compromise with defeat. He was, in his forlorn death, as near the heart of his

¹ Oration by Professor Henry Wood, of the Johns Hopkins University, at the Columbus Celebration in Baltimore, October 21, 1892. The festival was arranged by four Baltimore singing societies, the Liederkrantz, Arion, Germania Mænnerchor and Arbeiter Mænnerchor, for the production, on the four hundredth anniversary of the discovery of America, of the prize cantata "Columbus," composed by Mr. D. Melamet, a resident of Baltimore.

discovery as he had been in the flush of success. If he directed that the chains in which he had been brought back to Spain should be placed with him in his grave, some may find in the words the expression of an exaggerated vanity, but this is the language that the world loves to hear great men use. If he thought he had been prophesied of in Holy Writ, as one that should come, this is the form in which his intensely religious age expressed the exalted mission of men who make history. And when, on the eve of his first voyage across the Atlantic, he dedicated the riches he expected to win to the rescue of the Holy Sepulchre, he devoted the revenues of a world to the service of the highest ideal he knew.

No serious writer has ever questioned Columbus' religious sincerity. We may call it fanaticism, but is that any gain? The first man who believed in America enough to go and find it in the way Columbus did ought to be permitted by Americans to believe anything else he chooses. It is said that he gained his religious fervor in Spain. There is something of the mysticism of a Calderon in it, and it was a Duke of Veraguas—ancestor of the Duke lately invited to America as Columbus' lineal representative—who, in 1680, was first instrumental in collecting the works of Calderon for publication.

Whoever leaves this element out in estimating the character of Columbus, can never hope to understand him. And is it so impossible to translate his fervid mysticism into the language of to-day? Spain had fought the Moor for seven hundred years at home, but Columbus was the first real Spanish crusader, the first who in thought made Spain over-leap her national boundaries and join hands with the rest of Christian Europe in the realization of a universal idea. It was not to be! Spain was not to rescue the Holy Sepulchre from the Unbelievers, but Columbus was to wrest a continent from the mysterious terrors of the Sea of Darkness. Spain never rose to the height of a universal idea, not even in her most splendid period. Columbus carried the idea with him

across the ocean ; and that universal idea, translated into the language of our time, is America ; not the America that is, but as we hope and believe it shall become. This discoverer partakes of the universal and unending nature of his discovery and shall grow with it. When I look at him—the bold dreamer of a sacred areopagus, seated in Jerusalem—and then turn to look at America, throned in the West, it but

“Drowns his dream in larger stream,
As morning drinks the morning star.”

America, as a present great reality, is all around us, and eloquent apostles of this reality are not far to seek. But is America, as an idea, less real ? To Columbus it was nothing more, and yet the country is honoring his memory as the memory of no other American has ever been honored. And to many since Columbus' time who never reached these shores America, while conveying a territorial and political notion, has conveyed an ideal notion, stronger if not more distinct—a widened horizon of thought and life, a hope, an inspiration. The inheritance of the American people in this country is inseparable from another privilege, another duty—the stewardship of a world-ideal !

The German author of the “Ship of Fools,” writing in the year after the discovery of America, chronicles the opinion of the age then closing when he declares that “A wise man should stay at home : or, if he find himself by chance at sea, make for the shore as quickly as possible. The Eldorado is far off, and you are more likely to be drowned than to reach it. The man who travels cannot perfectly serve God.” One hundred years later our English Elizabethan poet, Chapman, tells us what life meant to his age in a splendid tribute to the English voyagers to the mouths of the Orinoco, the very coast Columbus had finally reached. The title “Guiana” must be taken as typical of the American idea in his mind, and the whole poem is symbolical.

“ Oh, you patrician spirits, that refine
Your flesh to fire, and issue like a flame
On brave endeavors, knowing that in them
The tract of Heaven in morn-like glory opens,
You know that death lives where power lives unused ! ”

If we could dam in and utilize the current of inspiration which, in the idea America or suggested by it, foams and dashes through English Elizabethan literature and life, it would propel the mills of our national thought and action better than a harnessed Niagara can grind our corn. These men are like younger brethren of Columbus, voyaging across mysterious seas of thought and life. Columbus sailed for Asia, and found America. The Elizabethans sailed for the new Eldorado of the West, and found it in their own bosoms. It was there the Pilgrim Fathers found it, there Lord Baltimore, there a Penn, a Franklin ; and every true American must find it there anew.

In the science of geometry a straight line marks the shortest distance between two given points. In the world's history a great deed, a great discovery, is the luminous straight line between great movements of the intellect. It cables the oceans and makes the centuries neighbors ; it is the courier conveying messages between the kings of thought. The great deed of Columbus joins Aristotle with Roger Bacon and Humboldt. We saw it reaching back to the Crusades and forward to the English Renaissance. Permit me for a moment to trace it further forward to our own age—to Goethe.

In the midst of the French Revolution and with the American war of independence fresh in mind Goethe wrote the following words : “ I will turn back, and in my own house, in my own garden, surrounded by my own friends, I will say, ‘ Here or nowhere is America ! ’ ”

And this is the man who wrote “ Faust ” ! In Columbus' discovery a larger macrocosm is revealed—*imago mundi* ; in “ Faust ” the attempt at a new microcosm—the *imago hominis* of the present age. The discovery of the new world by Co-

lumbus was the answer to the first ardent, longing question of the modern man, "Where shall I find room for the expansion of the new powers within me?" Goethe's "Faust" deals with the second no less momentous question, "In this chaos of unchartered freedom where shall I find and how shall I fulfil my duty to my fellow-man?" And the answer? We find it in the last words of the now chastened and purified but still titanic Faust:

"To millions let me give a native soil,
Though not secure, yet free to activé toil;
Green, fertile fields, where men and herds go forth
In peace and comfort, on the newest earth.
A land like paradise here, round about:
Up to the shore the tide may roar without,
And though it gnaw, to burst with force the limit,
By common impulse all unite to hem it.
Yes! to this thought I hold with firm persistence;
The last result of wisdom stamps it true:
He only earns his freedom and existence,
Who daily conquers them anew.
Thus here, by dangers girt, shall glide away
Of childhood, manhood, age, the vigorous day;
And such a throng I fain would see,—
Stand on free soil among a people free!"

Do we not recognize this picture? The creative answer of the German poet to the riddle of life, the new world descried from the sea of modern passion and doubt, is but another realization of the American idea. The achievement of Columbus becomes the duty of the present; the deed of the fifteenth century reappears as the prophecy of the nineteenth.

And this gift of a world to a world is ours! The dream of early sages, the longing of centuries, the manifest ordering of Divine Providence, the deed of Columbus; the overflowings of European manhood, the spirit of our forefathers, the hope of the republic, the proper study of every citizen!

Our inheritance is our opportunity.

III.

THE FIRST JEW IN AMERICA.

Upon the Exodus of the Jews from Spain, we should recall, in this Columbian year, the "Little Poems in Prose" by Emma Lazarus and her lines to the year "1492:"

"The Spanish noon is a blaze of azure fire, and the dusty pilgrims crawl like an endless serpent along treeless plains and bleached high-roads, through rock-split ravines and castellated, cathedral-shadowed towns.

"Whither shall they turn? for the West hath cast them out, and the East refuseth to receive.

"O bird of the air, whisper to the despairing exiles, that to-day, to-day, from the many-masted, gayly-bannered port of Palos, sails the world-unveiling Genoese, to unlock the golden gates of sunset and bequeath a Continent to Freedom!

* * * * *

"Unto her ample breast, the generous mother of nations welcomes them.

"The herdsman of Canaan and the seed of Jerusalem's royal shepherd renew their youth amid the pastoral plains of Texas and the golden valleys of the Sierras."

1492.

Thou two-faced year, Mother of Change and Fate,
Didst weep when Spain cast forth with flaming sword,
The children of the prophets of the Lord,
Prince, priest, and people, spurned by zealot hate.
Hounded from sea to sea, from state to state,
The West refused them, and the East abhorred.
No anchorage the known world could afford,
Close-locked was every port, barred every gate.
Then smiling, thou unveil'dst, O two-faced year,
A virgin world where doors of sunset part,
Saying, "Ho, all who weary, enter here!
There falls each ancient barrier that the art
Of race or creed or rank devised, to rear
Grim bulwarked hatred between heart and heart!"

The following extract is from an article published in "The Menorah Monthly," Oct., 1892, by Dr. M. Kayserling, Professor in the Theological Seminary in Buda-Pesth. He is a leading authority upon the subject of the Jews in Spain. The close connection between the expulsion of that people and the sailing of Columbus from Spain was briefly noticed in the address by Mr. Adams at the Peabody Institute, *ante* p. 20. Professor Kayserling calls attention to the same point and to some interesting facts regarding the first "wandering Jew" who discovered and explored the New World.

"In the same month in which their Majesties issued the edict that all Jews should be driven out of the kingdom and the territories, in the same month they gave me the order to undertake, with sufficient men, my expedition of discovery to the Indies." With these words Cristobal Colon as the Spaniards call him, commenced the diary, which he kept. With the same pen with which the royal couple of Spain signed the glorious capitulation of Granada, with the same pen they signed the disastrous edict of the expulsion of the Jews and the contract they concluded after long hesitation with the Genoese sailor.

The discovery of the world stands in close relation with the expulsion of the Jews, not only as to time, but as to its whole nature. On the 2nd of August, on the 9th day of the Jewish month of the Ab, the national day of sorrow for the twice-occurring destruction of the capital of the Jewish State, half a million of Jews left their Spanish home. The day thereafter, on Friday, the 3rd day of August, Columbus sailed away to find the sea-passage to India, to discover a new world. He was accompanied by one hundred and twenty, according to others by only ninety, men all natives of Castile and Aragon, Avila, Segovia, Guadalajara, Caceres, Castrajeriz, Villar Talavera, all of them places where small Jewish congregations existed until the expulsion.

Were there in the Armada, which under Columbus sailed toward a new world, also men belonging to the Jewish race? Columbus had by no means an easy task to find men to join him on his adventurous expedition, so that even convicts

could obtain pardon by declaring their readiness to enlist. What should have prevented homeless persecuted Jews to take part in the expedition? Sailors were found among the Jews long before Columbus's time. Why, to cite only one instance, a certain Joseph Faquin, of Barcelona, sailed over the "whole world," as testified to by King Jaime of Aragon.

After a long sail, full of danger, a glimmer of light became visible in the distance and on the morning of the 12th of October, on the day on which the Jews sang in their synagogues their Hosanna, a voice announced to the sailors, "Tierra! Tierra!" Who was the first that beheld the land? It is not a sportive question. The royal couple of Spain had assured to him, who should first see an island of the new world, an annual pension of ten thousand maravedis.

The Chronicler Gonçalo Hernandez de Oviedo, a contemporary of Columbus, said he had been informed by Vicente Yanéz Pinzon, the commander of the "Nina," one of the three ships which composed the first fleet, and from the pilot, Hernao Perez Matheos, that it was a man of Lepe who had first seen and exclaimed "Land." But as Columbus in his greed refused to concede to him the reward, and rather kept it for himself, that sailor took his leave, went to Africa and there changed from Christianity to his former creed. Was that Judaism? The Chronicler¹ is silent on that subject: he who prides himself of having seen the exodus of the Jews from Spain and to have heard their loud wails. According to others it was Rodrigo de Triana who saw land first, the Watlings or Acklin Islands, which the natives called Guanahani. . . .

A man of the Jewish race was the first who, next to Rodrigo Triana, saw land. It was Rodrigo Sanchez, a relative of

¹Coronica de las Indias (1547), Cap. 5, Pag. 7a; . . . porque no se le dieron las albrécias . . . se pusso en Affricay renego la fé. Gomara, Historia de las Indias, P. 168: i asi, el mariner de Lepe se pasó se Berberia y allo renegó la fe.

the royal treasurer, Gabriel Sanchez, who accompanied the first expedition at the request of Queen Isabella, as "veedor," or superintendent.

We do not speak at this time of a few other men who took part in the first expedition; and tarry only at the first Jew who stepped on the newly-discovered continent in a political mission, as it were: it was a Luis de Torres, a Jew, who had held a position with the Governor of Murcia, and who accepted baptism shortly before Columbus set sail.¹ As he knew Hebrew, Chaldee, and a little Arabic, Columbus employed him as interpreter with the Grand-Chan.

From Guanahani the admiral directed his course in a south-westerly direction and reached Cuba by the end of October, which he took to be the island of Cipangu. He did not want to extend for the present the expedition further toward the North and determined to send scouts into the interior of the country; he selected as one Luis de Torres, with Rodrigo de Jerez, of Ayamonte as companion. In the relation which Columbus rendered in Spanish to Luis de Santangel, the Beaconsfield of that time, and to Gabriel Sanchez, his brother-in-law, the treasurer of the Aragonian crown, as the financial patrons of his enterprise, it is stated: "I sent two men into the land to find out whether there was a king there, or large cities."² He furnished them with instructions, informed them what to say to the ruler in the name of the royal princes of Spain and how to prepare him for the conclusion of a treaty with the Castilian crown; he even handed them an autographic letter and presents.

On the 2nd of November Luis de Torres proceeded on his journey with his associate and returned to Columbus on the 6th of that month. He related how he had found after he had traveled about twelve miles, a place with fifty

¹ Herrera, *Historia General*, Dec. 1. L. 23.

² . . . enbie dos hombres por la tierra para saber si aina rey o grandes ciudades.

cabins and a population of about one thousand souls. The ruler of the country received the emissaries in a friendly manner and accompanied them with his son and one of his people to the admiral.¹

Luis de Torres gained the friendship of the prince or cacique and settled in Cuba, where he received as a present not only extensive lands but also a number of slaves, five grown people and a child.²

¹ Franc. Ad. de Varnhagen, *la verdadera Guanahani* (Santiago, 1684), P. 31 ff.

² Documentos ineditos del Archivo de Indias, T. 1 P. 87 f.

The Rabbi Dr. Joseph Krauskopf, in a Sunday lecture, October 23, 1892, before the Reform Congregation Keneseth Israel, of Philadelphia, took for his theme "The Debt of the Oldest People to the Newest World," and devoted special attention to the part played by the Jews in Geographical exploration. Speaking of the expedition in 1492, Dr. Krauskopf said: "The Jews at that time, and long before, were noted as experienced travelers and venturesome explorers. Being driven from land to land, and obliged to speak, beside their own, the language of the people among whom they resided, being, besides, deeply interested in commerce, and carrying on an extensive trade with their brethren scattered all over the known world, they possessed an extraordinary knowledge of lands and peoples, and languages, and were especially fitted for purposes of exploration. Together with the Moors in Spain, they had become the most renowned astronomers and cosmographers of the world. Three hundred years before Columbus entered upon the scenes, the Spanish Rabbi Benjamin of Tudela, had penetrated into China and explored the islands of Southern Asia. Three centuries before Columbus dreamed of a shorter journey to India along the unknown western sea, Jewish and Moorish savans taught that the earth was a sphere, determined approximately its circumference and diameter, and declared that a journey westward over the sea of darkness must lead to the eastern shore of Asia. And before Columbus could venture out upon a wholly unknown sea, the learned cosmographer Martin Behaim of Nuremberg, had to call in the assistance of the Jewish mathematicians Moses, Rabbi Abraham, and the physician Vecinho, to construct a globe, and to perfect the astrolabe, to lessen therewith the dangers of navigation by enabling the sailors to measure by the altitude of the sun their distance from the equator and from the coast. The fondness for exploration has

continued a characteristic of the Jew to this day. Jews accompanied Alexander von Humboldt and Agassiz. The explorers of Turkestan, Afghanistan, Abyssinia, were Jews. Greely's ill-fated North Pole expedition counted among its number the Jew Edward Israel, of Kalamazoo. Emil Bessel, a German Jew, was one of the members of Captain Hall's North Pole Expedition, and Kepes, a Hungarian Jew, accompanied Payers to the North Pole. Emin Pasha, the African explorer, is of the Hebrew race, as is also Vita Hassan, one of his brave rescuers; as is also our own Professor Angelo Heilprin, the leader of the Peary Relief Expedition. There is, therefore, nothing strange to find Jews accompanying Columbus on his journey over an unknown sea, nor is it improbable that they joined him of their own free will, either from love of adventure, or in the interest of knowledge, or in the interest of commerce." (Sunday Lectures of Joseph Krauskopf, Vol. VI., No. 1.)

IV.

CHRISTOPHER COLUMBUS IN ORIENTAL LITERATURE.¹

Christopher Columbus in Oriental Literature, a subject of interest equally to students of oriental literature and of American history, has been investigated by M. Henry Harrisse to whom modern scholars are primarily indebted for the scientific investigation of all subjects having reference to Columbus and the early voyagers to America. Harrisse's brief yet comprehensive article on this subject (*Christoph Columbus im Orient*) appeared in the *Centralblatt für Bibliothekswesen*, Vol. X (1888), pp. 133-138. After enumerating the references to Columbus in Hebrew literature, Mr. Harrisse cites a Turkish work specially devoted to an account of the New World. This work was known as *Hadisi Nev* containing, however, as well an Arabic title *Tarih el Hind Gharby*, and was printed at Constantinople by Ibrahim Effendi (the renegade). The printing was completed April 3, 1730, and the book is therefore one of the incunabula of the Ottoman

¹ The above is an abstract of a communication made to the American Oriental Society by Dr. Cyrus Adler, of the Johns Hopkins University. In 1891, while visiting Constantinople as a special commissioner in the interest of the World's Columbian Exposition, Dr. Adler secured a rare manuscript of an early Turkish work, with maps and illustrations, relating to the New World and to Columbus. Dr. Adler hopes to publish a more complete description of this work.

press. Mr. Harrisse had access to the copy of this very rare work in the Library of the *École des langues orientales vivantes* in Paris. He was of opinion that the book was composed by Hadji Khalfa.

The article of Mr. Harrisse called forth some notes by Professor J. Gildemeister of Bonn, in the same volume of the same journal (pp. 303–306). Professor Gildemeister pointed out that if the book, *Hadisi Nev*, was written as stated by Mr. Harrisse, and in the Catalogue of the Library of von Hammer, under the reign of Murad III, 1574–95, it could not have been written by Hadji Halfa who was not born earlier than 1600.

No MS. of this work was known to either of these writers, nor apparently to von Hammer. While in Constantinople in 1891, I secured a well-written and well-preserved MS. of this work. It is dated in the year 77. On folio 38b the author alludes to the Turkish Admiral Khair-ed-din, surnamed Barbarossa, as having “recently died.” His death took place in the year 956 of the Hegira so that 9 is apparently the number to be prefixed to 77, and the date would accordingly be 977, *i. e.* 1569–70. The MS. contains 13 colored illustrations of animals and plants of America, some of them executed with considerable fidelity. It also contains two diagrams and three colored maps. That of the new world represents South America with fair accuracy, and is in the opinion of Mr. Harrisse, in some respects unique. The maps in the MS. are of course much older than those in the printed work. An inferior MS. of the same work exists in the Library of the American Oriental Society, being very appropriately MS. No. 1 of the Society’s collections. It was presented by Mr. J. P. Brown, Secretary and Dragoman of the United States Legation at Constantinople. Mr. Brown stated at the time (*Jr. Am. Or. Soc.*, Vol. I. p. xxix) that “It was quite the first work ever printed at Constantinople by the Turks. I cannot learn the name of the author. . . . I am informed that the *Târikh Hind Gharby* existed in manuscript many

years before the introduction of printing, but was taken up and printed on account of its popularity as a curious and amusing work." A copy of the printed work is now deposited in the Smithsonian Institution, being in the collection of the late Wm. B. Hodgson, which has been deposited in the Institution by the Telfair Academy of Arts and Sciences at Savannah, Ga. I hope shortly to publish the maps and illustrations in my MS. as well as a translation of those portions relating to Columbus.

APPENDIX.

I.

BIBLIOGRAPHIES OF THE DISCOVERY OF AMERICA.

By CHARLES WEATHERS BUMP, A. B.

It has not been attempted to make this list of bibliographies exhaustive and complete, although it will be found to contain more collective titles than any reference list or catalogue on the subject that has yet appeared. The plan of the compiler has been to exclude: 1st, public library catalogues and auction lists of Americana, because in them all references to the navigators included here may easily be found under their appropriate headings; 2d, earlier catalogues of first editions and *incunabula*, because they have been superseded by later and more exhaustive works, which are mentioned; 3d, books whose paucity of references makes them of but little use. With these exceptions an effort has been made to include the best lists of books on Columbus, Vespuccius, John and Sebastian Cabot, and the more or less legendary navigators before the fifteenth century. Some titles may have been inadvertently omitted, and for any mention of such additional lists, the compiler will be grateful.

There is naturally more or less duplication of entries in the special bibliographies here enumerated, and a brief mention of those that are more or less complete, may not be out of place. Mr. Winsor's "History of America" contains in the critical chapters

of the first three volumes, the latest and most exhaustive bibliographies on all of the subjects mentioned in this list. There are other works, however, to which attention may specially be called. In pre-Columbian literature, Mr. Watson's last edition will be found almost as extensive as Mr. Winsor's bibliography, and possibly better arranged; in rare editions of Columbus, no better guides can be found than Harrisse, Bartlett, or Major. The Boston Public Library *Bulletin* for October, 1892, contains the best list of modern books on Columbus. Harrisse has also compiled a bibliography of Columbus, which when it appears, will probably be complete and satisfactory. For the Cabots, Harrisse's bibliographical notes will again be found to be the best arranged and most valuable.

1. PRE-COLUMBIAN CLAIMS.

ALLEN, FRANCIS A. "Polynesian antiquities a link between the ancient civilizations of Asia and America." 1883.

Gives references on the early connection of America and Asia by way of Polynesia. Printed in the *Compte Rendu* (p. 246) of the Congrès des Américanistes at Copenhagen.

AMERICAN BIBLIOPOLIST. New York, February, 1869, pp. 47-50.

"An excellent bibliography of the Madoc claim."

BANCROFT, HUBERT HOWE. "Native Races of America." Vol. V. (*Works*, v. 5). San Francisco, 1886. Chapter I., "On the Origin of the Americans," pp. 1-132.

Mr. Bancroft in this chapter, as indeed in all the chapters of his numerous volumes, is exhaustive in his references, so that in the foot-notes may be found a nearly complete bibliography of the autochthonous origin of the native races, the Atlantis myth, and more particularly the pre-Columbian voyages.

BANCROFT, HUBERT HOWE. "History of Central America." Vol. I. (*Works*, v. 6). San Francisco, 1886. Chapter I, pp. 67-90.

A general summary, with copious references, of the myths and discoveries before Columbus. It duplicates most of the titles quoted in Mr. Bancroft's volume on "Native Races," (*vide supra*), but valuable in itself for references to maps and atlases, and for a bibliographical account of the general literature on the subject.

BOSTON PUBLIC LIBRARY. "Bulletins." Vol. II, 1871-5, Nos. 30 and 34; Vol. III, 1875-8, No. 37.

A series of brief, critical and bibliographical notes on the discovery of America, appended in most cases to the entry of the title of some book on the subject recently received. The separate topics are as follows: No. 30, July, 1874, p. 257, "Northmen in America;" No. 34, July, 1875, p. 368, "Fusang, or, the Chinese discovery of America;" No. 37, April, 1876, pp. 65-69, "America before Columbus." The last is exceedingly valuable for its numerous references and notes; in addition to the pre-Columbian voyages, the literature of the Mexican and Peruvian civilizations is also treated. Nearly all the titles given were afterward used in Winsor's "History of America."

BOSTON PUBLIC LIBRARY. "A Chronological Index to Historical Fiction, including Prose Fiction, Plays and Poems." Third and enlarged edition. Part I. (*Bulletin*, No. 87, January, 1892), p. 298.

Gives titles of several plays and poems including Southey's "Madoc" and Longfellow's "Skeleton in Armor."

BOUCHER DE LA RICHARDERIE, GILLES. "Bibliothèque universelle des voyages." Paris, 1808. Vol. I., pp. 43-51.

Gives a partial bibliography of the discoveries of the Northman, with a brief account of the discovery of Vinland.

BRYANT, W. C. AND GAY, S. H. "Popular History of the United States." New York, 1876. Vol. I., chapter 3, "The Northmen in America," pp. 35-63, chapter 4, "Pre-Columbian Voyages Westward," pp. 64-91.

Contains foot-notes giving references to the more important and more popular works.

BROWN, MARIE A. "The Icelandic Discoverers of America." London, 1887.

Bibliography, pp. 209-13.

BURDER, G. "The Welsh Indians." London, 1797.

Copious references on the Welsh story, with many proofs not to be found elsewhere.

ELLIOTT, CHARLES W. "The New England History." Vol. I., pp. 36-7. Boston, 1857.

A brief summary of authorities on the Northmen in New England.

FISKE, JOHN. "The Discovery of America." Vol. I., chapter 2, "Pre-Columbian Voyages:" foot-notes to pp. 148-151, 154-7, 226, 253.

For his authorities on this chapter, Mr. Fiske acknowledges himself indebted to Mr. Winsor's "History of America," and to Mr. Watson's bibliography.

FOSTER, W. E. "Old South Lectures on American History, 1891. Reference for pararellel readings." Boston, 1891. 6 Broadsheets.

The first of these sheets is on "Pre-Columbian Voyages to America," and will be found an excellent guide to a short and popular course of reading on the subject.

GRAVIER, GABRIEL. "Découverte de L'Amérique par les Normands au Xe Siécle." Paris and Rouen, 1874.

The foot-notes are very rich in references to the voyages of the Northmen. A chapter is also included on the voyages of Madoc and Zeno.

HAVEN, SAMUEL F. "Archaeology of the United States" (Smithsonian Institution, *Contributions*. Vol. VIII, 1856). Chapter I, pp. 8-16. "Ante-Columbian Voyages, Theories and Speculations."

A brief general account, with foot-notes, of the stories of the discovery of America. References not very extended.

HUMBOLDT, ALEXANDER VON. "Examen critique de l'histoire de la géographie du nouveau continent." 3 vols. Paris, 1836-8.

Humboldt discusses in detail the stories of the discovery of America before the time of Columbus. The references will still be found useful. The German translation by Ideler possesses an index.

KOHL, J. G. "History of the Discovery of Maine" (*Maine Hist. Soc. Publications*, 2d Series, Vol. I). Portland, 1869.

Abundant references are found in chapter 2 on "The Discoveries of the Northmen," and in the first part of chapter 3 on "English Trading Expeditions in the 14th and 15th Centuries."

LELAND, CHARLES G. "Fusang, or the Discovery of America by Chinese Buddhist Priests in the Fifth Century." London, 1875.

The thirteenth chapter contains a review of the discussion between the advocates and opponents of the Chinese discovery of America; and in the fourteenth chapter may be found, in an article reprinted from the "Chinese Recorder and Missionary Journal," the titles of the greater part of the literature on the subject.

MICHAUD, LOUIS GABRIEL. "Nouvelle Biographie Universelle." Paris, 1858. Vol. 16, pp. 250-1; Art. "Eric."

Paragraph at the end mentions a few of the leading supporters of the Norse story.

NOTES AND QUERIES. 1st Ser., Vol. 1, p. 342, Vol. 2, pp. 109, 277, "America known to the Ancients." 2d Ser., Vol. 5, pp. 314, 386, 387, 458, "America discovered in the Eleventh Century."

The first series of notes is valuable for references to classical literature on the subject of a new world. The second is a brief review of the Norse question.

OLD SOUTH LEAFLETS Published by the Directors of the Old South Studies in History. Boston. No. 31, "The Voyages to Vinland."

A brief popular bibliography of the subject, pp. 15-16.

PARKMAN, FRANCIS. "Pioneers of France in the New World." Boston, 1865, pp. 169-170.

Refers to the supporters of the historic claim of Cousin of Dieppe as a discoverer.

SLAFTER, REV. EDMUND F. "Voyages of the Northmen to America." Boston, printed for the Prince Society, 1877. Bibliographical Notes, pp. 127-42.

Mentions the principal works on the Norse voyages, with valuable descriptive and critical notes. The best bibliography in its special field, and particularly good when treating of the literature growing out of the publication of Professor Rafn's "Antiquitates Americanae."

VINING, E. P. "An inglorious Columbus; or, Evidence that Hwui Shān and a party of Buddhist monks from Afghanistan discovered America in the fifth century, A. D." New York, 1885.

List of authorities and references will be found on pp. 711-40. "A repository of all the essential contributions to the question from De Guignes down."

WATSON, PAUL BARRON. "Bibliography of the Pre-Columbian Discoveries of America." (Library Journal, Vol. VI., No. 8, August, 1881, pp. 227-44. Reprinted in the third edition of R. B. Anderson's "America not discovered by Columbus," (Chicago, 1883), and also issued separately, (Boston, 1881).

"The present essay is intended as a complete bibliography of those claims to the discovery of America before Columbus, which are based upon documentary evidence." The best bibliography of the whole field of discovery before the time of Columbus. It is exceedingly well arranged and classified under its separate sub-divisions. The critical notes also form a valuable guide to the use of the materials indicated.

WINSOR, JUSTIN. "Narrative and Critical History of America."
Boston, 1889. Vol. I., pp. 76-116, "Pre-Columbian Explorations."

One of the most valuable features of this connected series of historical monographs edited by Mr. Winsor, is the critical examination of sources at the end of each chapter. The critical essay in the chapter on "Pre-Columbian Explorations" is by Mr. Winsor himself, and is the most complete bibliography of the whole subject yet published. It is, however, open to an objection on the ground of its arrangement, which does not permit of easy reference. The essay on maps (pp. 117-132) will be found very useful.

2. COLUMBUS.

ATHENAEUM. August 31, 1889, p. 288. "Columbus' letter to Luis de Sant Angel."

Enumerates the reproductions and translations of this letter, in a brief review of Ellis and Elvey's edition of it.

AVEZAC, M. A. P. D'. "Année veritable de la Naissance de Christophe Colomb, etc." Paris, 1873 (also in *Societe de Geographie, Bulletin*, 6e series, t. 4, 1872).

Gives lists of authorities on the subject discussed.

BANCROFT, HUBERT HOWE. "History of Central America."
Vol. I. (*Works*, v. 6). San Francisco, 1886.

The fourth chapter contains a careful study of the visits of "Columbus to the Coasts of Honduras, Nicaragua, and Costa Rica," and in addition to numerous foot-notes, Mr. Bancroft gives (pp. 238-46) a good bibliography of Columbus, with a critical discussion of Irving and Prescott. Titles to books on Columbus may also be found at the bottom of pages 90-98, 109-11, and 119-20.

BARTLETT, JOHN R. "Bibliotheca Americana: A Catalogue of Books relating to North and South America in the library of John Carter Brown, of Providence." Second edition. 1875. Vol. I., covering the years 1482-1601.

"The most extensive printed list of all Americana previous to 1800, more especially anterior to 1700, which now exists. Numerous fac-similes of titles and maps add much to its value."—*Winsor*. Six hundred books are entered in this volume, which together with the catalogues of Harris, Major and Sabin (*vide infra*) leave but little to be desired by those who are making a study of the early editions of the writings of Columbus. There are older bibliographical works on Americana, notably those of Rich, Stevens, and Ternaux-Compans, but they have not been included in this list, because of later and more accessible works.

BOSTON PUBLIC LIBRARY. "Bulletins." Vol. II, 1871-5, No. 33; Vol. IV, 1879-81, No. 51.

Bulletin No. 51, October, 1879, p. 124, contains a brief bibliography of the controversy respecting the remains of Columbus. No. 33, April, 1875, pp. 340-1, will be found to contain lists of biographies, of the Great Admiral, of his writings, and of general narratives of his voyages. The critical notes are brief and useful.

BOSTON PUBLIC LIBRARY. "Catalogue of the Spanish Library . . . bequeathed by George Ticknor. . . (Compiled) by Jesse Lyman Whitney." Boston, 1879, pp. 92-5, Art. "Christopher Columbus," with Notes by Mr. Winsor.

Exceedingly useful summary in small compass of all the more valuable publications on Columbus, though necessarily a duplication to a great extent, of the notes previously published in the "Bulletin." Among the sub-divisions of the subject are biographies, voyages, maps, and portraits. This bibliography was reprinted in a separate pamphlet, in an edition of 30 copies, (Boston, 1876).

BOSTON PUBLIC LIBRARY. "A Chronological Index to Historical Fiction. Third and Enlarged Edition." (*Bulletin* No. 87, January, 1802, pp. 298-9.

Thirty-seven titles of plays, novels and poems on Columbus are given, and this will be still further enlarged in a final revision before the Index is issued separately.

BOSTON PUBLIC LIBRARY. Bulletin No. 90, October, 1892, pp. 221-33. "Columbus: a list of the writings of Christopher Columbus, and of the works relating to him, etc."

The most recent, the largest, and the best classified bibliography of Columbus that has yet been published. The subdivisions of the catalogue include letters of Columbus, his voyages, modern works about him, his portraits, birthplace and family, remains, and final place of burial, signature, and poems and novels about him.

BROCKEN, BARON VAN. "Des Vicissitudes Posthumes de Christophe Colomb, et de sa Béatification Possible." Leipsic and Paris, 1865.

Enumerates most of the publications bearing on the grounds for the canonization of Columbus.

BRUNET, JACQUES CHARLES. "Manuel du Libraire et de L'Amateur de Livres." Vol. II., Paris 1861, pp. 163-5.

Contains titles and descriptions of rarer and more important editions of the letters of Columbus.

BUDINGER, MAX. "Zur Columbus Literatur." Vienna, 1889.

Prof. Büdinger is one of the principal writers in the field of discussion opened by Harrisse, concerning the authenticity of Ferd. Columbus' life of his father. The references to the literature brought out by the subject are very full. The article is from the *Mitt. der K. K. Geog. Gesell.*, 1889. (Vienna Acad. of Sciences.)

BUET, CHARLES. "Christophe Colomb." Paris, 1886, pp. 303-5.

Buet's authorities are mainly those writers who have followed the Catholic or idealistic treatment of the life of Columbus.

CANCELLIERI, FRANCESCO. "Notizie Storiche e Bibliografiche di Cristoforo Colombo di Cuccaro nel Monferrato, Discopritore dell'America." Pp. 282, and index. Bound up with a similar work on Giovanni Gersen, abbot of S. Stefano in Vercelli, under the general title of "Dissertationii Epistolar Bibliografiche Sopra Cristoforo Colombo, etc." Rome, 1809.

Exceedingly valuable, particularly for its references to the extensive Columbus literature written on the continent before the nineteenth century, of which but few titles can be found in American libraries. The ninety-two chapters or sections of the book (the number possibly selected with design), contain discussions of every topic in the life of Columbus, all of them written in the style and with the vast amount of unimportant detail usually displayed by eighteenth century historians. The author favors, as may be noticed from the title, the view that Columbus was born at Cuccaro.

CENTRALBLATT FÜR BIBLIOTHEKSWESSEN. Vol. IX., No. 3, March, 1892, pp. 105-122. "Qui a imprimé la première lettre de Colomb."

An excellent discussion, with abundant notes and references, of the question of the first edition.

CENTRALBLATT FÜR BIBLIOTHEKSWESSEN. "Christoph Columbus im Orient," by Henry Harrisse. Vol. X, 1888, pp. 133-8. Also article on the same subject, by Prof. J. Gildemeister, of Bonn, on pp. 303-6 of the same volume.

A translation of these brief but comprehensive articles has been made by Dr. Cyrus Adler, and will shortly be published in the proceedings of the American Oriental Society. An abstract appears in this number of the *Studies*.

ENCYCLOPAEDIA BRITANNICA. Ninth edition. Vol. VI. Article "Columbus," p. 176 English edition, p. 158 American edition.

In the bibliographical appendix to the article, twenty-seven of the more important biographies of Columbus are enumerated.

FISKE, JOHN. "The Discovery of America." 2 vols. Boston, 1892. Vol. I., chapter 5, pp. 335-342.

A sketch of the various conflicting views of the principal biographers of Columbus.

FOX, CAPT. G. V. "An Attempt to solve the Problems of the first Landing Place of Columbus in the New World." Appendix No. 18 to the Report of the Superintendent of the U. S. Coast and Geodetic Survey for 1880. (Senate Documents, 3d session, 46th Congress, pp. 349-52.)

Gives a list of the writers supporting the claims of each of the islands supposed to have been the landing place of Columbus in 1492. Capt. Fox's accurate researches have done much toward modifying the views of those whom he mentions on these pages.

GRAESSE, J. T. G. "Trésor de Livres Rares et Précieux." Dresden, 1861. Vol. II., pp. 228-9. "Supplement," Dresden, 1869, p. 196.

Titles, notes, and descriptions of a few of the editions and translations of the writings of Columbus.

HARRISSE, HENRY. "Bibliotheca Americana Vetustissima. A Description of Works relating to America published between the years 1492 and 1551." New York, 1866, pp. liv, 519. — "Additions," Paris, 1872, pp. xl, 199.

Indispensable for descriptions of all the early editions of the writings of Columbus, or of early accounts of his discoveries. Foot-notes and a careful index include several hundred additional references to later works. The chronological appendix at the end of the supplementary volume will also be found useful.

HARRISSE, HENRY. "Notes on Columbus." New York. Privately printed in 1866, pp. vii, 227.

"Ninety copies only printed for presentation, at the expense of Samuel L. M. Barlow, of New York. . . . It is both bibliographical and historical, and in each department is a specimen of zeal and erudition."—*Sabin*. The small number of copies printed has made the book quite rare, and it can only be found in a few of the leading public libraries of America. It is the first fruit of Mr. Harrisse's life-long studies on the great Genoese (*vide infra*).

HARRISSE, HENRY. "Christophe Colomb, son origine, sa vie, ses voyages, sa famille, et ses descendants." Paris. 2 vols. 1884.

"If any one," says Mr. Winsor, "desires to compass all the elucidations and guides which a thorough student of the career and fame of Columbus

would wish to consider, the foot-notes in HARRISSE's *Christophe Colomb* would probably, most essentially, shorten his labors. HARRISSE, who has prepared, but not yet published, lists of the books devoted to Columbus *exclusively*, says that they number about six hundred titles." Mr. HARRISSE has devoted the major part of the last thirty years to a study, from new and original sources, of Christopher and Ferdinand Columbus, and the results of his work are to be seen in a score of volumes in various European languages. A complete list of his works, forming in itself a valuable Columbus bibliography, may be found at the close of his latest work on "The Discovery of North America." (London and Paris, 1892.)

HESSELS, J. H. "Essai sur les éditions de la première lettre de Colomb imprimées avant 1500." (*Bibliophile Belge.*, 6e année, pp. 93-121, 1871.

This article, the title of which explains itself, has been translated into English, through the coöperation of Mr. Major, who made use of the same sources as Mr. Hessels in preparing his bibliography.

HISTORICAL MAGAZINE. Vol. V, No. 2, February, 1861, pp. 33-38. "A Bibliographical Account of the Voyages of Columbus."

Reprinted from Mr. James Lenox's privately printed work on the second voyage of Columbus, "Nicolaus Syllacius de Insulis Nuper Inventis." Fifteen editions of the four voyages are carefully described. Mr. Lenox's book contains many cuts and reproductions omitted in this reprint.

HISTORISCHE ZEITSCHRIFT, 1887; whole number, Vol. LVII, new series, Vol. XXI, pp. 222-234. "Die Neuere Columbus-Literatur," von Konrad Haebler.

A discriminative review of thirty-one books on Columbus, mainly on those produced by the triangular discussion between HARRISSE, D'AVEZAC and PERAGALLO, respecting the authenticity of Ferdinand's biography of his father. The new theories recently presented on subjects connected with Columbus are all touched upon, and their literature indicated.

HUMBOLDT, ALEXANDER VON. 'Examen critique de l'histoire de la géographie du Nouveau continent.' 3 vols. Paris, 1836-8.

Humboldt was one of the first to approach Columbus from the standpoint of documentary history. His references will be found useful.

JAHRESBERICHTE DER GESCHICHTSWISSENSCHAFT. Berlin, 1887-92.

This excellent periodical of current historical literature is particularly full of references on Columbus in the years quoted. The earlier numbers of the annual also contain a few brief reviews of Columbus literature.

LAROUSSE, PIERRE. "Grand dictionnaire universel du XIXe Siècle." Paris, 1869. Vol. IV., pp. 635-7.

Appendix to article on Columbus contains descriptions and critical reviews of the leading poems and dramas on the great Genoese, with a brief mention of similar paintings and statues.

LITERARY NEWS. Vol. XIII., No. 10, October, 1892, pp. 309-10. "New books about Columbus."

Mentions and briefly describes the literature brought out by the centennial of the discovery.

MAJOR, R. H. "Bibliography of the first Letter of Columbus," in his "Select Letters of Columbus," second edition. London, 1870. (Hakluyt Society.) Pp. cviii-cxlii. Also issued separately, London, 1872.

Deals only with the *incunabula* of the letter, and not with modern editions. The arrangement is strictly chronological.

MICHAUD, LOUIS GABRIEL. "Nouvelle Biographie Universelle." Paris, 1854, Vol. 8, pp. 636-7. Art. "Christophe Colomb."

The writings of Columbus are described and their most accessible editions indicated. The more important of the continental writers on the "Great Admiral" are also enumerated.

OLD SOUTH LEAFLETS. Published by the Directors of the Old South Studies in History. Boston.

Each number consists of a reprint of some important historical document or narrative, with a brief popular bibliography appended. Those connected with Columbus thus far published are: No. 29, "The Discovery of America;" No. 32, "Marco Polo's Account of Japan and Java;" No. 33, "Columbus' Letter to Gabriel Sanchez."

ROSELLY DE LORGUES, COMTE. "Christophe Colomb. Histoire de sa vie et de ses voyages." Paris, 1864. 2 vols.

The author is the most prominent of those writers who seek to subvert history and prove the religious purity of Columbus' life in order to secure canonization for him. In his introduction to this volume a review of the previous authorities on Columbus is undertaken and continued in his later works, "L'Ambassadeur de Dieu" (pp. 46-55), and "L'Histoire Posthume de Colombo," though in a very controversial manner. (Barry's translation of "Christophe Colomb," omits a number of the authorities noted by de Lorgues.) A better account of the literature on "St. Christopher" may be found in Baron van Brocken (*q. v.*).

RUELENS, C. "La première relation de Christophe Colomb, 1493." Lettre sur une édition de l' "Epistola Christofori Colom, appartenant à la Bibliothèque royale de Bruxelles." Brussels, 1885. Fac-similes.

I have not seen this work, of which the title seems sufficiently explanatory. A copy of it is in the Boston Public Library.

SABIN, JOSEPH. "A Dictionary of Books relating to America from the Discovery to the present time." New York, 1871. Vol. IV., pp. 274-285.

Fifty titles, including the earliest editions of the writings of Columbus, and of the rarer books concerning him, are mentioned. Mr. Sabin has borrowed nearly all the titles from Harris and Major. It is scarcely necessary to mention that in this work, under the names of early writers on America and Columbus, may be found most valuable notes and information on editions, on the history of the rarer volumes, and on their contents.

URICOECHEA, E. "Mapoteca Colombiana. Coleccion de los titulos de todos los mapas, planos, vistas, etc., relativos a la América Española, Brasil, é isles adyacentes. Arreglada cronologicamente i precedida de una introduccion sobre la historia cartográfica de América." London, 1860.

One of the best accounts of early American cartography.

WINSOR, JUSTIN. "Christopher Columbus and How he received and imparted the Spirit of Discovery." Boston, 1891.

Chapter 1, pp. 1-30 is exceedingly valuable for a connected sketch of "Sources, and the Gatherers of them." Chapter 2, pp. 31-70, "Biographers and Portraits" contains an excellent summary of the two subjects.

WINSOR, JUSTIN. "Narrative and Critical History of America." Boston, 1889. Vol. II., pp. 24-128, "Columbus and His Discoveries;" pp. 204-30, "Companions of Columbus."

The first essay is by Mr. Winsor, and is the most complete Columbus bibliography thus far published. Mr. Edward Channing contributes the second *critique*.

3. VESPUCCI AND THE CABOTS.

BANCROFT, HUBERT HOWE. "History of Central America." Vol. I. (*Works*, v. 6). San Francisco, 1886.

Abundant references to Vespucci may be found in the notes at the bottom of pp. 99-107, 112-13, 118; to the Cabots, on pp. 107-9, 113.

BOSTON PUBLIC LIBRARY. "Bulletins," No. 38, July, 1876. Vol. II, pp. 103-106. "Early Explorations in America."

Valuable guide to the literature on the voyages of the Cabots and Vespucci.

FOSTER, W. E. "Monthly Reference Lists." Vol. IV, No. 8, August, 1884, pp. 27-9. "Early English Explorations of America."

An excellent list for popular reading on the voyages of the Cabots and their English successors.

HARRISSE, HENRY. "Jean et Sebastien Cabot, Leur Origine et Leurs Voyages." *Bibliographie*, pp. 367-75. Paris, 1882.

The best bibliography yet prepared on the Cabots. Contains fifty-eight references, carefully arranged. Harrisse says in his preface: "Nous n'avons inséré dans cette bibliographie que les ouvrages: 1°, concernant les Cabots écrits par leur contemporains; 2°, consacrés exclusivement à ces navigateurs; 3°, contenant des assertions ou des indications qui ne se trouvent pas ailleurs."

KOHL, J. G. "History of the Discovery of Maine." (*Maine Hist. Soc. Publications*, 2d series, Vol. I.) Portland, 1869.

Chapter IV treats of the Cabots, and is supplied with abundant references and foot-notes.

NEW ENGLAND HISTORICAL AND GENEALOGICAL REGISTER. Vol. XV, 1861, April, July, pp. 97-104, 205-16. "A Bibliographical Essay on the Early Collections of Voyages to America," by Hon. William Willis.

A chronological sketch which should save much trouble to those who are looking for accounts of Columbus, Vespucci and the Cabots, in the old, and, in many cases, rare collections of early voyages. The contents of Hakluyt, De Bry, De Laet, Herrera, Navarrete, and other compilations are briefly analyzed.

OLD SOUTH LEAFLETS. Published by the Directors of the Old South Studies in History. Boston. No. 34, "Amerigo Vespucci's Account of his First Voyage;" No. 37, "The Voyages of the Cabots."

Brief, popular, reference lists will be found at the end of each number.

SANTAREM, M. LE VICOMTE DE. "Recherches Historiques, Critiques, et Bibliographiques sur Améric Vespuce et ses voyages." Paris, 1842.

The author is quite voluminous in his citations and criticisms of books or paragraphs bearing on Vespucci, and an excellent index makes it of easy reference.

STEPHEN, LESLIE. "Dictionary of National Biography." London, 1888. Vol. VIII., p. 171; Art. "Cabot."

An excellent bibliography in small compass.

VARNHAGEN,*F. A. DE. "Amerigo Vespucci, son Caractère, ses Écrits, (Même les moins authentiques) sa vie, et ses navigations." Lima, 1865.

—— "Le Premier voyage de Amerigo Vespucci." Vienna, 1869.

—— "Nouvelles Recherches sur les derniers voyages du navigateur Florentin." Vienna, 1870.

A good authority on the bibliography of the naming of America, and on the editions of Vespucci's letters, but not very well arranged for reference. The last monograph is particularly useful to the bibliographer.

WINSOR, JUSTIN. *Narrative and Critical History of America.*" Boston, 1889. Vol. II, pp. 153-179, "Vespucius and the Naming of America; Vol. III, pp. 7-58, "The Voyages of the Cabots."

The chapter on Vespucci is by Mr. Winsor, and is the best reference list on the subject. The bibliography of the Cabots, by Mr. Charles Deane, contains more titles than Mr. Harrisse's, but the latter is preferable on account of its superior arrangement

II.

PUBLIC MEMORIALS TO COLUMBUS.¹

By CHARLES WEATHERS BUMP, A. B.

1. INTRODUCTORY.

Nearly a century ago a well-known French geographer, M. de Fleurieu, expressed some indignation that "not an isle, not a cape, not a single place in the new world" honored itself and the great Admiral by sharing his name. The learned German, von Humboldt, and the scholarly Italian monk, Cancellieri, also have regretted that no monument, no statue, no memorial tablet to Columbus, showed the gratitude of the new world that owed its historic origin to him. Such statements are commonly accepted and believed in long after they have ceased to contain any truth whatever. Even now, nearly a century after their original utterance, we hear them repeated with all the fervor of absolute belief. Of national monuments to Columbus, it is true we have only a few, but local co-operation and private generosity have done so much that to-day it is probable that, with the single exception of Washington, no individual was ever honored to such a degree as the great Genoese. Sixty-five public memorials of him have either been erected or are nearly completed. Of these forty-two were in place before

¹ In compiling this catalogue of monuments and statues and other public memorials that have been raised in honor of the discoverer of America, I have used as my chief sources of information, notes from periodicals, from illustrated weeklies, the daily press, guide books, and books of travel. Frequent use has also been made of a manuscript on the subject kindly lent the writer by Mr. F. A. Ober, now of Washington, who is well qualified to speak upon the world's tributes to Columbus, from his long residence among Spanish speaking peoples. When the work was nearly completed, I received an advance copy of *The Chautauquan* for November, 1892, containing an illustrated article on the monuments to Columbus by Mr. William Eleroy Curtis. Had my own work been in a less advanced state, I should perhaps have abandoned the field to Mr. Curtis. As it is, I must acknowledge my indebtedness to him for the mention of four memorials which I had overlooked—the bust in Brooklyn, the Columbus statue in the Mexican Museum, the statue of Columbus at Colon in Cuba, and the proposed arch in Washington. A careful comparison of these two papers shows also that I have included fifteen memorials completed, or projected, which Mr. Curtis does not mention, and it is probable that there are others still, of which neither of us have heard.

the present Columbian year, and eight have been unveiled during that time. The United States alone contributes twenty-seven memorials to the great discoverer, and the islands of the West Indies, twelve. The Spanish government, by a liberal competition among native artists, has not only raised the standard of the fine arts, but has also contributed most beautiful and enduring national monuments to Columbus in Madrid, Havana, Barcelona, and Granada. In the United States individual generosity and the good will of Italian and Spanish residents have taken the place of public munificence, although a bill is at present in Congress to erect a suitable public memorial in Washington.

M. de Fleurieu's remark also seems sadly out of place when we attempt to enumerate the points on the earth's surface, whether created by Nature or man, that owe the origin of their name to the great Admiral. Mr. G. Brown Goode, of the Smithsonian Institution, has demonstrated this in a practical way on a map of the United States recently sent to the exposition at Madrid, in which each town, each river, each district bearing the name of Columbus or Columbia have been appropriately indicated.¹ In order to see the extent of the honors paid to Columbus we have but to reflect that nearly every state of this country possesses a town of his name; that among cities we have Columbus in Ohio, Georgia, Indiana and Mississippi, Colon in Panama and Cuba, Columbia in South Carolina and Pennsylvania; that among institutions of learning we have Columbia College and Columbian University; that the capital of the United States is situated in a District called Columbia; that one of the great rivers emptying into the Pacific has the same name; that one of the greatest states of South America bears a Spanish form of it; and that Great Britain, whose people were benefited most by the voyage of the great discoverer, has preserved the modified form of his name in one of their colonies in the world he discovered.

2. THE UNITED STATES.

1792. BALTIMORE. CHEVALIER D'ANMOUR'S MONUMENT.

On the grounds of the Samuel Ready Orphan Asylum in Baltimore, stands a tall shaft to Columbus, erected just one hundred years ago, on what was then his own estate, by Chevalier d'Anmour, who was the first French consul in Maryland. For nearly thirty years this was the only Columbus memorial in the New World, and for over fifty years the only one in the United States. It is an obelisk forty-four feet and four inches high, made of stuccoed brick. The base is about six and one-half feet square and the top about two and one half feet square. The base is about

¹ On Dr. Goode's map no less than one hundred and fifteen Columbian names have been found in our country alone, to say nothing of British Columbia or Columbian names in Central and South America. It is, however, an interesting fact that most of these names in the United States are east of the Mississippi river.

two and one half feet high, with well-rounded corners of moulded brick-work. The pedestal proper is five and one half feet square, ten feet in height, and is surmounted by a capstone about one and one half feet high. From this point the obelisk narrows gradually toward the top. On the west side of the pedestal is a marble slab about two and one-half by four feet, upon which is the following inscription: "Sacred to the memory of Chris Columbus, Octob. XII, MDCCVIIIC." An account of the monument, with illustrations, appeared in *The Baltimore American* for August 4, 1891; in *Frank Leslie's Illustrated Weekly* for December 20, 1890; and in *The Baltimore Sun* for October 11 and 13, 1892; and in *The Chautauquan* for November, 1892. See also Dr. Adams' address on "Columbus," pp. 30-33.

1842. WASHINGTON. PAINTING IN THE CAPITOL ROTUNDA.

The familiar painting of the "Landing of Columbus," shown in one of the panels of the Capitol Rotunda, was completed in 1842, by John Vanderlyn, of New York, with whom a committee of Congress had contracted for the work in 1836, the selection of the subject being left to the choice of the artist. Mr. Vanderlyn had won considerable fame by previous pictures representing scenes in American history, but the present memorial of Columbus is not regarded as one of his best works. As one critic has remarked: "It feebly expresses what the artist set out to illustrate on canvas, and affords but little satisfaction to those who look at it." Mr. Vanderlyn received \$10,000 from the government for his production, which has become so familiar to every American by frequent engravings and lithographs, and more especially by being engraved on the back of the \$5 national bank note.

1846. WASHINGTON. PERSICO'S STATUE AT THE CAPITOL.

The second memorial in honor of Columbus from the National Government, is the semi-colossal group of statuary at the east front of the Capitol. The group is the work of Luigi Persico, an Italian, then resident in this country, and the sculptor of other pieces of statuary at the Capitol. It was done at his studio in Naples. Columbus is represented as holding the globe, on which is carved the name "America." A nude Indian girl, crouches, awe-stricken at his side. The figure of Columbus is encased in armor, said to be a correct copy "to the rivet" of the armor he wore. Persico was given the commission in 1837, and completed it in 1846. Twenty-eight thousand dollars was paid to him for the work, by successive acts of Congress.

1849. BOSTON. STATUE IN LOUISBURG SQUARE.

The first Boston statue to the great Discoverer was the one presented to the city in 1849, by Mr. Joseph Iasigi, a Grecian merchant, who afterward

became an American citizen, and whose descendants are well known in Boston. The statue which was erected in Louisburg Square, is of marble, and represents Columbus in his youth. It was carved at Leghorn, and, as an artistic work, is entirely devoid of merit.

1864. WASHINGTON. THE COLUMBUS DOOR IN THE CAPITAL.

The massive bronze door at the Capitol, leading from the old House of Representatives to the new, was modelled by Randolph Rogers, the American sculptor, in 1858 at his studio in Rome, and cast at Munich in 1860, by F. Von Miller, although not put into position until 1864. It is nineteen feet in height and nine feet wide, weighs 20,000 pounds, and cost \$28,000, of which \$8,000 was received by Rogers for his share in the work. In the top of the arch stands a bust of Columbus, while on the doors are depicted scenes from the life of Columbus, eight on the square panels and one on the transom panel above. The incidents represented are: (1) The examination of Columbus at Salamanca; (2) Departure from La Rabida for the Spanish Court; (3) Before Ferdinand and Isabella; (4) Departure from Palos; (5) Landing at San Salvador; (6) First encounter with the Indians; (7) Triumphal entry into Barcelona; (8) Columbus in Chains; (9) His Death Bed. Around the door and between the panels are statues of prominent contemporaries of the navigators and busts of his historians. The doors were described in an illustrated article in *Harper's Weekly* for January 30, 1892.

1869. NEW YORK. STEBBINS STATUE AT CENTRAL PARK.

In the year 1869, the late Marshall O. Roberts presented to the city authorities of New York, a granite statue of Columbus for erection in Central Park. The gift was executed in Rome in 1867, by Miss Emma Stebbins, the friend and biographer of Charlotte Cushman, and the designer of the statue of Horace Mann in Boston, and the large Fountain at the Mall in Central Park. It is seven feet high, and represents Columbus in the garb of a sailor, with a mantle thrown over his shoulder, grasping a tiller with his right hand. The face is copied from "accepted portraits of the Giovian type." The statue has never been erected, and is now stored away in an old arsenal in the zoölogical garden.

1872. BOSTON. STATUE IN MUSEUM OF FINE ARTS.

In 1872, Mr. A. P. Chamberlaine, of Concord, Mass., presented to the city of Boston a marble statue by Giulio Monteverde, of Genoa, called "The First Inspirations of the Boy Columbus." The statue was executed at Rome in the preceding year, and received the first gold medal at Parma a few months afterward. It is one of the most beautiful sculptures illustra-

tive of the great Admiral. He is seated upon the capstan of a vessel, with an open book in his hand, his foot carelessly swinging in an iron ring hanging from a staple in the capstan. The statue was at first placed in the Boston Athenæum, but, on the opening of the new Museum of Fine Arts in 1876, it was transferred to that building, and is now in the hall on the first floor devoted to works in marble. A representation of it appeared as a frontispiece to *The Chautauquan* for November, 1892.

1875. PHILADELPHIA. ITALIAN STATUE IN FAIRMOUNT PARK.

In 1875, the Italian citizens of Philadelphia defrayed the cost of the erection of a marble statue to the Genoese navigator, which was presented to the Centennial Commission in the succeeding year, and has since stood in Fairmount Park, opposite Horticultural Hall. It is of heroic size, a standing figure, the right hand resting on a globe, and the left holding a chart. An anchor and a rope are emblematic of the career of the great sailor. On the pedestal are bas-reliefs representing the landing of Columbus, and the coat of arms of the United States and Italy. An illustration of the statue appeared in the *Philadelphia Times* for October 9, 1892.

1883. SACRAMENTO, CAL. COLUMBUS AND ISABELLA.

In the centre of the rotunda of the State Capitol at Sacramento stands a group of three figures—Columbus, Queen Isabella, and a page—in which the great navigator is represented as explaining to Her Catholic Majesty his theory of a western route to the Indies. The statuary is the work of Meade, the sculptor, and was presented to the State by D. O. Mills, a former resident.

1886. ST. LOUIS. THE SHAW STATUE.

In 1886, Mr. Henry D. Shaw, one of St. Louis' best known citizens, presented the city with a gilt bronze statue of Columbus, of heroic size, modelled and cast by Müller at Munich. The statue was erected at the east end of Tower Grove Park, another of Mr. Shaw's generous gifts, on a high granite pedestal, upon the sides of which are four bronze panels representing prominent events in his career. The face of the statue is copied from that at Genoa and the great Admiral is represented as looking forward with an expression half anxious, half triumphant, to the light which he has seen to the westward, and which betokens the nearness of the land. The statue was unveiled on October 12, 1886, and an account of it may be found in *The Nation* for October 28, of that year.

1892. NEW YORK. ITALIAN MONUMENT.

The most important memorial to Columbus yet raised in the United States is the one which was presented to the City of New York by the

Italians of the New World, and unveiled with appropriate ceremonies, on October 12, 1892, in the southwest corner of Central Park. The monument was the work of Professor Gaetano Russo, of Rome, whose competitive design was selected by a committee of fifteen, appointed by the Italian government. From the square base, of Bovenno granite, on which are bronze bas-reliefs representing the first sight of land and the actual landing, a circular column of granite, rises to the height of sixty-one feet. This, in turn, is surmounted by a statue of Columbus, in Carrara marble, fourteen feet high, making a total height of seventy-five feet. Towards the base of the granite column, on opposite sides, are two groups, the one in marble representing the Genius of Geography, the other a bronze eagle holding in its claws the shields of the United States and Genoa. Six *rostra*, also of bronze, project from opposite sides of the column. The cost of the memorial was \$35,000. The money was collected from Italians resident in North America, with liberal aid also from the Italian government. The subscription was begun and carried through by Chevalier Barsotti, the proprietor of the Italian paper published in New York, *Progresso Italo-Americano*. It was brought to this country in an official transport of the Italian government, which also displayed its interest in the monument by ordering several men-of-war here for the dedication ceremonies. A description, with complete illustrations will be found in *Harper's Weekly*, Vol. XXXVI, p. 805; Cf. also in the *Review of Reviews* for October, 1892; *Frank Leslie's Illustrated Paper* for October 13, and the daily papers of New York for October 12 and 13.

1892. NEW YORK. COLUMBIAN ARCH.

During the Columbian festivities in New York in October, 1892, there stood at 58th Street and Fifth Avenue a temporary arch in honor of the discoverer of America. The arch was erected at a cost of \$8,000, from the prize design of Henry B. Herts, a student of Columbia College. To replace the arch by a lasting memorial of the same design in white marble, for which the Columbian Committee are now soliciting subscriptions, will cost over \$350,000. Mr. Herts' design was suggested by the Arch of Constantine at Rome. The total height of the structure will be 160 feet and its total width 120; the opening of the arch will be 80 feet high by 40 feet wide. On the front of each pier will be a large marble fountain, lighted at night by electricity, the water playing about figures of Victory and Immortality. Above each fountain will be a panel, one representing Columbus at the Court of Spain, the other at the Convent of La Rabida. Panels in the attic will contain white marble illustrations of the entry of Columbus in Madrid. The crowning figure of the arch will be an allegorical group representing Columbus discovering America, from the deck of a ship about to cast anchor off an unknown shore. To the right and left will be bronze groups, emblematical of North and South America welcoming the advent to their continent of the new life, which is represented by a cluster statue of Ex-

ploration, Science and Art. An illustration of Mr. Herts' design, with others not accepted, will be found in *Harper's Weekly*, September 17, 1892.

1892. BALTIMORE. ITALIAN STATUE IN DRUID HILL PARK.

On the 12th of October, 1892, there was unveiled, in Druid Hill Park, the second Baltimore monument to Columbus, presented by the Italian residents of the city, under the leadership of Mr. Vito Pipitone. The statue, which was designed by Achille Canessa in Genoa, is six feet and a half in height, and together with the pedestal rises about eighteen feet from the base. Columbus stands erect against the stone balustrade of a quay, from which depends a heavy ring, such as would be used for mooring a vessel. In his right hand he grasps a half-rolled chart, and his left hand rests easily upon a globe placed upon the balustrade. The inscription on the pedestal reads: "To Christoforo Colombo. The Italians of Baltimore, 1892." Illustrations of the monument have appeared in the *Baltimore Sun* of August 19, and October 13, 1892, in the *Baltimore American* for October 13, and the *Evening News* for October 12.

1892. BOSTON. THE BUYENS STATUE.

In September, 1892, the City Council of Boston decided to honor the fourth centennial year of the discovery of America, by the dedication of a duplicate of the statue which a Boston committee was then having cast for erection at Isabella, the first settlement in the New World (*q. v.*). Copley Square (where stand the new Public Library, the Museum of Fine Arts, Trinity Church, and other buildings of architectural beauty), was at first selected as a proper place for the Columbus statue, but upon an exhibition of the model, so much adverse criticism was passed upon it, that the State Art Commission refused to allow the work to be placed there. The dispute between the friends and opponents of the statue was finally closed by its erection and dedication, October 21, in front of the Catholic Cathedral of the Holy Cross. The statue was taken largely from designs drawn by Richard Andrew, a student at the State Normal Art School, Boston, the sculptor being Alois Buyens, of Ghent, the designer of an heroic statue of President Brand, of the Orange Free State. It is of colossal size, representing Columbus giving thanks to God. The left arm is outstretched, while his right hand points to the site of the first settlement at Isabella on a globe at his side. Bas-reliefs representing the genius of Christianity and the genius of civilization are on opposite sides of the pedestal.

1892. HARRISBURG, PENN. MONUMENT.

On October 21, "Columbus Day," at Harrisburg, Pa., there was unveiled, in the grounds of St. Patrick's Cathedral, a small monument to the immortal Genoese. The dedication was preceded by a parade and by appropriate exercises at the Cathedral.

1892. NEWARK, N. J. ITALIAN MEDALLION.

Columbus Day was celebrated at Newark, N. J., by the unveiling, in the City Hall, of a bronze relief medallion of Columbus presented by the united Italian societies of the city. The work was modelled by J. Moneta, of New York, and measures 3 ft. 2 in. by 2 ft. 7 in. The medallion of Columbus, whose portrait is given full-faced, is supported by the coats of arms of Italy and the United States, held by an eagle and a lion. On each side of the medallion is seated a female figure: America on the right holds aloft the torch of civilization, as she crowns the discoverer with the laurel wreath that frames the medallion; Italy, on the left, points to the date of the discovery on the scroll of history she holds. A description and illustration of the medallion appeared in the *N. Y. Herald* for October 21.

1892. WILLIMANTIC, CONN. STATUE OF COLUMBUS.

Willimantic, Connecticut, celebrated Columbus day by dedicating to him a statue, secured through popular subscriptions. The work was purchased in Belgium by the Rev. Flerimona de Bruycker, pastor of one of the Catholic churches of the town.

— BROOKLYN, N. Y. HISTORICAL SOCIETY'S BUST.

The most conspicuous ornament on the building of the Long Island Historical Society in Brooklyn, is a terra-cotta bust of Columbus of modern but artistic workmanship, by Olin F. Warner of New York. Mr. Warner took for his model the bust at Genoa, but introduced some changes in costume.

— NEW YORK. HISTORICAL SOCIETY'S BUST.

The New York Historical Society possesses a duplicate of the ideal bust of Columbus in the Capitoline Museum at Rome. I have been unable to find any record of this accession by the Society.

— WASHINGTON. BUST IN THE WHITE HOUSE.

In the main vestibule of the White House stands a bust in marble. Its origin and history are alike unknown.

(Projected.) CHICAGO. WORLD'S FAIR STATUE.

A statue of Columbus, modelled by Howard Kretschmar, and erected by the Directory of the Columbian Exposition at a cost of \$40,000, will be unveiled next year. An illustration of the statue appeared in *Harper's Weekly* for April 25, 1891, and in the *N. Y. Herald* for October 22, 1892.

(Projected). COLUMBUS, OHIO. MONUMENT.

The people of Columbus, O., have decided to raise a suitable monument in this centennial year to the man for whom their city was named. The work has not yet been erected, although the statue has been modelled and cast. It is a single figure, of sheet copper, ten feet high, and represents Columbus as "a man of thought and mind, rather than as a man of action." The work on it was done entirely by citizens of Ohio, the sculptor being Alphons Pelzer, of Columbus, and the moulder, W. H. Mullins, of Salem. An illustration of the statue appeared in the plates of the *American Architect* for October 22 of this year.

(Projected). NEW YORK. SPANISH FOUNTAIN.

The Spanish residents of New York, not to be outdone by their Italian brethren, have offered to the city authorities, for erection in Central Park, a fountain in honor of Columbus. The sculptor is Mr. Fernando Miranda, a resident of New York, but a former pupil of Señor Piquer, who designed the Columbus statue at Cardenas. Mr. Miranda's plan is to have a stone basin of 100 feet diameter, from the centre of which rises a globe. With one foot on Florida and the other on the West Indies, stands Columbus with his sword grasped firmly in his right hand. On each side of him, and holding to him eagerly in their excitement, is one of the brothers Pinzon, the one pointing to some distant point, the other scanning the horizon. The total height of the globe and the figure of Columbus is 29 feet, the latter being 16 feet high. The material is to be bronze, and the donors have endeavored to procure contributions of bronze from every Spanish-speaking country in the world. A description and illustration of the fountain appeared in *Harper's Weekly* for June 11, 1892.

(Projected). WASHINGTON. NATIONAL MONUMENT.

On December 16, 1891, Senator Morrell introduced into the Senate a joint resolution for the erection of a monument to Columbus at the western entrance to the Capitol grounds, at the head of Pennsylvania Avenue. Seventy-five thousand dollars were set aside for this purpose by the resolution, which passed the Senate on April 15, 1892. In the House of Representatives it was referred to the Committee on the Library, and not reported before the recess. The measure will perhaps be taken up again at the coming session of Congress.

(Projected). WASHINGTON. TRIUMPHAL ARCH.

During the present year a movement was started among the citizens of Washington to erect a triumphal arch in honor of Columbus. The site proposed for the arch was on the high ground at the crest of the hill at the end of Sixteenth Street.

3. THE WEST INDIES.

1822. HAVANA. TABLET OVER THE REMAINS.

Although the remains of Columbus were thought to have been removed from Santo Domingo¹ to Havana in 1795, it was not until 1822 that the Cubans erected any funerary memorial or tablet in the cathedral in which they were reinterred. In that year a tablet was erected on the right side of the altar, containing a portrait bust, which Mr. Winsor says is purely ideal in its treatment.² Beneath the bust is an inscription which Mr. Ober has paraphrased as follows:

“O grand Columbus!
In this urn enshrined
A thousand centuries thy bones shall guard;
A thousand ages keep thine image fresh.
In token of our nation's gratitude.”

Illustrations of the tomb may be found in Winsor's *Columbus* and the *History of America*.

1832. NASSAU, NEW PROVIDENCE. THE SMYTH STATUE.

Sir James Carmichael Smyth, who was governor of the Bahamas from 1829 until 1833, presented the town of Nassau on the island of New Providence with a metal statue of Columbus. It was modelled in London in 1831 by an artist named Groggon, and was erected in May, 1832, in front of the government house. The figure, which has since been painted white, is nine feet high, and the pedestal six feet, making a total height of fifteen feet. Upon the side of the pedestal looking toward the sea is the inscription: “Columbus, 1492.”

— CARDENAS, CUBA. THE AVELLANEDA STATUE.

In the centre of the public square at Cardenas, Cuba, stands a heroic statue of Columbus, which was erected by a celebrated Spanish poet and dramatist of the present century, Señora Gertrude Gomez de Avellaneda,

¹ There is grave doubt about this supposed removal of the remains of Columbus. It is now believed by many critics that, by some mistake the coffin of Diego, the son of Columbus, or of Luis his grandson, was taken to Havana, and that the coffin of Columbus still remains in the Cathedral at St. Domingo. See paper by Charles Kendall Adams on “Some Recent Discoveries concerning Columbus” in the Annual Report of the American Historical Association for 1891, pp. 89–99. See also Rudolf Cronau's “Amerike: die Geschichte seiner Entdeckung von der ältesten bis auf die neueste Zeit,” Lieferung vii.

² It was copied from a portrait painted four years before by Bartholemew Basque, but having no resemblance to the descriptions of Columbus given by contemporary writers.

the wife of a former governor of the island. The statue was carved by J. Figuer, of Madrid, and a vignette of it may be found on the title page of a volume entitled *Codice Diplomatico-Americano de Christobal Colon*, published at Havana in 1867. It represents Columbus pointing with his right hand to a globe which he has just unveiled with his left hand.

1880. SANTO DOMINGO. STATUE IN PLAZA.

In the centre of the Plaza in Santo Domingo, in front of the government house and of the cathedral where the remains of Columbus are believed by some to be still resting, stands a heroic figure of Columbus in bronze. It was cast in France, by order of the Dominican government, in 1880. It represents Columbus pointing to the westward, while at the base of the statue is crouched a life-size figure of an Indian girl, who is no other than the unfortunate Anacaona, Caciquess of Veragua, tracing an inscription which reads: "Yllustre y Esclarecido Varon, Don Christoval Colon." An illustration of the statue can be found in Mr. Winsor's *Christopher Columbus*.

1891. WATLING'S ISLAND. "CHICAGO HERALD" MONUMENT.

In July, 1891, representatives of the *Chicago Herald* erected at Watling's Island, in the Bahamas, a small monument to Columbus bearing this inscription: "On this spot Columbus first set foot on the soil of the New World." The memorial is a shaft of coral rock, seven feet high, containing a marble globe. Descriptions and illustrations of the monument may be found in the files of the *Chicago Herald* for the month in which it was set up.

— HAVANA. STATUE IN THE PALACE.

Upon a lofty pedestal in the court-yard of the palace of the captain-general in Havana, stands a full length heroic figure of Columbus in marble. The sculptor and the date of his work are alike unknown. The face is said to be modelled from accepted portraits of Columbus in the possession of persons in Madrid.

— HAVANA. BUST IN EL TEMPLETE.

A marble bust of Columbus has been erected upon a column in front of the little chapel, *El Templete*, on the site where the first mass was celebrated on the island of Cuba. The face is said to be unlike all other portraits at present existing.

— HAVANA. STATUE IN THE PUBLIC LIBRARY.

The Bibliotheca Publica of the Royal Economical Society of the Friends of the Country in Havana, possesses a beautiful piece of statuary by Valt-

mijana, of Barcelona, Spain. Columbus is portrayed as an old man in chains sitting on the deck of a vessel. An illustration of the work appeared in *The Chautauquan* for September, 1892.

(Projected). COLON, CUBA. STATUE BY MELERO.

"Mr. Miguel Melero, director of the Academy of Painting and Sculpture at Havana, has designed and finished in gypsum a statue of Columbus that will be cast in bronze for the city of Colon, in the state of Matanzas, Cuba. The work is paid for by the generosity of a rich sugar planter of Matanzas."

(Projected). HAVANA. PROPOSED MONUMENT TO THE DISCOVERY.

In June, 1890, the Spanish government, in that spirit of liberality which, has caused the erection of several beautiful memorials in the Old World, determined to do honor to Columbus in the New World also, by the erection of a new tomb and likewise of a monument to the discovery of America. One hundred thousand dollars was appropriated for the two monuments, and after a sharp competition, the designs for the latter were accepted by the Academy of San Fernando from Antonio Susilla, one of Spain's foremost artists. His monument is to be a terrestrial globe, surrounded by a wide band on which appears a suggestion of the worlds *Non plus ultra*. With one stroke of his paw the Lion of Spain has obliterated the first word, thus signifying that, through Columbus, new worlds had been opened up to Europe. The globe rests upon a truncated pyramid, in turn held up by a quadrangular base, flanked by four statues signifying Valor, Study, History, and Naval Art, to which last figure a youth is delivering the mariner's compass. Upon each of the four faces of the base are bas-reliefs representing scenes from the life of Columbus, while upon the pyramid are the arms of Spain, a medallion of Ferdinand and Isabella, and a medallion showing the pennant of the *Santa Maria* floating above a sail. The upper part of the monument is a wave-beaten boat placed upon the Globe, and carrying Columbus, led by Religious Faith. The monument has a total height of 52 feet, the upper group 23 feet, and the four sitting statues, 10 feet each. A description of the designs appeared in the *American Architect* for October 22, 1892, having previously appeared in *El Centenario: Revista Ilustrada*.

(Projected). HAVANA. PROPOSED FUNERARY MONUMENT.

The same commission which awarded the design for a monument of the Discovery to Susilla, unanimously adopted the designs of Arturio Mélida for the funerary monument. It consists of a base of Aztec design, as a symbol of the soil upon which Columbus landed, and where his bones now rest.

Upon it, four heralds representing the four kingdoms then composing the Spanish monarchy, sustain the coffer destined to preserve the remains of Columbus. In front Castile and Leon, in an attitude of legitimate pride in their triumph; in the rear, Aragon and Navarre, who, if they took no part in the glory, have come to share the grief. Upon the plinth the chains laid upon Columbus by the envy of contemporaries, lie hidden beneath the laurels which Spain to-day places upon his tomb, together with the palm of the martyr. Mr. Mérida proposes to make use, in his monument, of the combination of various colored bronzes and alabaster, so often seen in European tombs. The tomb is now being erected in Havana, and a description of it, with illustrations, appeared in the *American Architect* for October 22, 1892, where it was borrowed from *El Centenario: Revista Ilustrada*.

(Projected). ISABELLA. SANTO DOMINGO. BOSTON STATUE.

In the summer of 1892, a number of Boston citizens raised, by subscription, a sum sufficient to erect a statue to Columbus on the site of Old Isabella, where the great Admiral planted his first settlement and erected the first church in America. The statue was cast at Chicopee, Mass., from designs furnished to Alois Buyens, the sculptor, by Richard Andrew, a student of the State Normal Art School in Boston. Although completed, the statue has not yet been erected at Isabella, but a replica of it, secured by the city of Boston, was unveiled with appropriate ceremonies on October 21. In making a pedestal for the statue, the committee propose to depart from the usual pedestal of finished granite, and erect one ten feet high from the stones found in the ruins of the old fifteenth century town, thus incorporating in the very walls of the memorial an enduring memento of the early Spanish conquerors. A description of the statue itself can be found in the paragraph on the Boston memorial, and illustrations of it in the *American Architect*, May 28, 1892, and the *Boston Journal*, September 10, 1892.

4. MEXICO AND SOUTH AMERICA.

1850. LIMA, PERU. THE REVELLI STATUE.

A fine Columbian group was erected in 1850 at Lima, Peru, by Salvatore Revelli, an Italian sculptor. The work was done at the expense of the Peruvian government, and represents Columbus in the costume of a courtier of the sixteenth century raising an Indian girl from the ground. The bust is elaborately carved with astronomical and geographical designs. The pedestal is of marble, with an inscription, "A Christoval Colon," upon one face, and upon the other three faces handsome urns for tropical plants. A large lithograph of Revelli's group was executed by the French engraver, Desmaisons.

1870. COLON, PANAMA. EMPRESS EUGÉNIE'S STATUE.

In 1870, the Empress Eugénie, then in the last unfortunate days of her brilliant imperial rule in France, presented a Columbus memorial to the city on the Isthmus of Panama which the Spaniards tried to dedicate to the memory of Columbus, but which American commerce knows under the less poetic and less appropriate name of Aspinwall. The memorial was a replica in bronze of a colossal marble group by Vincente Vela, an Italian sculptor, which was exhibited at the Paris Exposition of 1867. It represents Columbus in the semi-monkish garb, which is often found in the other public memorials of him, with his right hand touching, as if to protect, a half-clad Indian woman crouching at his side. An illustration of the monument was given in *Bulletin No. 2* of the Bureau of American Republics, and the same cut was afterward used on the title page of later bulletins.

— COLON, PANAMA. COLUMBUS FOUNTAIN.

In addition to the monument given by the Empress Eugénie, Colon likewise possesses a fountain dedicated to Columbus. On one side of the column of the fountain is a bas-relief in marble of the landing at Guanahani.

1877. MEXICO. THE COLON STATUE.

The monument erected in the city of Mexico, in 1877, to the discovery and settlement of America, and popularly called the "Colon Statue," was the work of Cordier, a French sculptor, residing in Mexico, and the gift to the City of one of her sons, Señor Don Antonio Escandon. It consists of a base of red marble, containing bronze panels, upon which are represented in bas-relief: the arms of Columbus surrounded by a wreath of laurel; the dedication of the monument; and two scenes from the life of the discoverer. Upon this base are placed four life-sized figures in bronze, in a sitting posture. They are Fathers Marchena and Debesa, of Spain, the two priests to whom Columbus was finally indebted for the long-delayed royal favor; and Bartolemeo de las Casas and Father Pedro Gante, the two famous missionaries among the Indians of America. From the midst of these bronze figures rises the red marble pedestal of the statue itself. Columbus is represented in the act of removing with his left hand the veil which hides the Western Hemisphere. Illustrations of the monument may be found in the *American Architect* for April 9, 1887, and October 17, 1888, and in Mr. F. A. Ober's *Travels in Mexico*.

— MEXICO. NATIONAL MUSEUM STATUE.

In the National Museum at Mexico is a colossal figure of Columbus in marble by Pilar.

— . SANTIAGO, CHILE. MARBLE BUST.

Santiago, the capital of Chile, possesses a marble bust of the discoverer, the face of which is modelled after the countenance made familiar to every one through the engraving of De Bry. A Dutch cap is upon the head of Columbus, and garments of a similar Dutch character complete the bust.

— . VALPARAISO, CHILE. BRONZE STATUE.

In Valparaiso, at an angle of two streets, and in front of one of the handsomest houses in the town, stands a heroic figure of Columbus in bronze. The discoverer is represented in an advancing attitude, holding a cross in his right hand. On the several faces of the pedestal, which is of marble, are suitable inscriptions and representations of nautical instruments.

5. EUROPEAN COUNTRIES.

1821. GENOA. CUSTODIA FOR MANUSCRIPTS.

In 1821 the General Council of the city of Genoa, in order to provide a safe receptacle for several manuscripts of Columbus that had been secured by them in 1816, determined to erect a marble *custodia* in the main hall of the municipal palace. The designs were drawn up by Carlo Barrabbino, official architect of the city at the time, and entrusted for execution to one Peschiera. The *custodia* is a pillar, in which a door of gilded bronze closes the receptacle that contains the relics. Upon the pillar is a bust of Columbus which is purely ideal, Peschiera having discarded all supposed portraits and followed only the written descriptions of the discoverer recorded by his contemporaries. The result was quite unsatisfactory to the people of Genoa. The *custodia* and the bust were engraved for the various editions of Spotorno's publication of the MSS. contained in the pillar, for the Lenox edition of Syllacius, for *Harper's Monthly* for December, 1876, and for Winsor's *Christopher Columbus*.

1862. GENOA. PUBLIC MONUMENT.

The citizens of Genoa dedicated in 1862 the most beautiful of the monuments that have thus far been completed to the memory of their great townsman. The monument stands in the centre of a square near the railway station, and is entirely of marble. The movement for the erection of the memorial began about 1845, but a series of unfortunate accidents delayed its completion until seventeen years later. The contract for it was given to the sculptor Bartolini, who shortly after died; it was then assumed by Freccia who was only able to complete a rough model, which was taken up

and finished by Michel Canzio. It consists of a huge, quadrangular pediment, at the angles of which are seated allegorical figures of Religion, Geography, Strength and Wisdom. This supports a large cylindrical pedestal, decorated with ship's prows, upon which is a colossal statue of Columbus, with his left hand upon an anchor. Four bas-reliefs upon the sides of the pediment represent important scenes in the life of the discoverer. There is a model of the monument in the Boston Public Library, a photograph in *Harrisse's Notes on Columbus*, engravings in De Lorgues, Torri, etc., a half-tone in *Harper's Weekly* for June 25, 1892, a cut in *Harper's Monthly* for December, 1876, and a heliotype reproduction in the *American Architect* for August 27, 1887.

1882. PAVIA. BUST IN THE UNIVERSITY.

The University, which Columbus is said to have attended for a short time, in the old Italian town of Pavia, on the Ticino, erected in 1882 in one of its quadrangles, a bust of its former scholar. A full account of the proceedings, with an illustration of the bust itself, was published at Pavia¹ in a little volume of 75 pages.

1884. MADRID. NATIONAL MONUMENT.

In 1884 the King of Spain unveiled in the Spanish capital one of the best monuments to Columbus yet erected. The monument, which stands in one of the principal promenades of the city, consists of a very high column of an elaborate and beautiful design, crowned by a bronze statue of the discoverer, of heroic size. The sculptor, Sunol, has happily succeeded in imparting a peaceful and reverent expression to the countenance of Columbus, who is represented with his left hand outstretched, as if pointing to the lands which he had given to Europe, while his right upholds the furled flag of Spain. The cross-tipped staff of the latter rests upon a miniature globe, and this in turn upon the head of a capstan, about which is coiled a cable. The figure of Columbus is clothed in the costume of the time, and he wears over it a short fur-trimmed coat. A representation of the monument appeared in *The Chautauquan* for November, 1892, and of the statue on the wrapper of Seelye's *Story of Columbus*, published by the Appletons.

1886. COGOLETO, ITALY. HEROIC BUST.

The town of Cogoleto, which has historic claims as the possible birth-place of Columbus, erected in 1886 a heroic bust of him, modelled from the portraits of the Geovian type. The bust stands upon a granite pedestal bearing nautical designs and an appropriate inscription, while upon each

¹ Dr. G. Brown Goode, of the Smithsonian Institution, is attempting to collect information on all memorials of Columbus preserved at Pavia.

side is a griffin in marble. An illustration of it appeared in *The Chautauquan* for November, 1892.

1888. BARCELONA. MONUMENT.

On May 2, 1888, the largest monument to Columbus yet erected was unveiled in the city of Barcelona in the presence of Queen Christina and the members of the Cabinet. It is two hundred and forty feet high, and a hydraulic elevator carries visitors to the top. It was the work of several artists, the principal figure being the conception of Rafael Atache, a Catalan sculptor, and its cost, two hundred thousand dollars, was defrayed partly by the city and partly by subscriptions from municipalities, corporations, and individuals. The plan comprises an extensive landing stage at the harbor in front of the city, flanked on either side with a prow of a caravel, one representing the *Pinta* and the other *Nina*, and with a magnificent balustrade adorned with statues of famous explorers. From this rises the lofty and elaborately decorated column, crowned by the colossal figure of Columbus, pointing with his right hand to the newly discovered world, while his left holds a marine chart. The base is of stone, as are also the accessory figures, one group of which represents the provinces of Castile, Aragon, Leon, and Catalonia, the other depicting the patrons and friends of the Admiral. The main shaft and eight colossal lions guarding its base are of iron, while the other figures upon the monument, the panels and their elaborate reliefs, and the representation of Columbus—eighteen feet high and weighing thirty tons—are all bronze, and cast from cannon contributed by the Spanish government. An illustration appeared in *The Chautauquan* for November, 1892, and in Seelye's *Story of Columbus*.

1892. PALOS. MONUMENT TO COLUMBUS AND COMPANIONS.

On the 12th of October, 1892, there was unveiled at Palos, in the presence of Queen Christina and the ministers of state, a magnificent monument erected by the Spanish government in honor of Columbus and the brothers Pinzon and their companions on the first voyage. It represents a fluted Corinthian column, capped by a crown supporting an orb surmounted by a cross. The column rests upon a prismatic support from which protrude four prows of vessels, and the pedestal of the whole is in the form of a tomb, to which broad staircases lead on four sides. On the column are the names of the Pinzon brothers, Martin and Vincente, and under the prows of the vessels is the name Colon, with a complete list of his companions.

1892. GENOA. THE EGG OF COLUMBUS.

The strangest and most unique memorial yet erected to Columbus, if we except a "portable monument" said to have been dedicated by Tammany Hall in 1792, is a representation of the "Egg of Columbus," erected for

the Italo-American Exhibition in Genoa during the present year. This extremely bizarre structure is built of brickwork, and measures 36,000 cubic feet, being a little flattened at the base to insure its remaining upright. It is three stories high, and the openings for doors and windows preserve perfectly the contour of the egg. The partition walls are painted in frescoes with scenes relating to the story of Columbus, and the discovery of America. The building is used as a restaurant.

— GENOA. STATUE AT SUPPOSED BIRTHPLACE.

On the front of the house, No. 9, Via Carlo Alberto, in Genoa, which tradition long believed to be the birthplace of Columbus, a niche in the wall contains a small statue of the great Genoese, with the following inscription: "Dissi, volli, credi, ecco un secondo sorger nuovo dall' onde ignote mondo?" This house should be distinguished from No. 37, Vico Dritto Ponticello, also claimed as the birthplace of Columbus, and upon which a tablet was erected in 1887.

— GENOA. BUST IN THE PALAZZO ROSSO.

The bust of Columbus in the Red Palace was modelled after the so-called Capriola portrait, and was particularly commended by the then Duke of Veragua, a descendant of Columbus. A cut of it appears in *The Chautauquan* for November, 1892.

— GENOA. STATUE IN THE PALAZZO ROSSO.

In the Red Palace at Genoa there is a statue of Columbus, in which the navigator is represented as standing upon the deck of his ship, pointing out land to his unbelieving sailors, while behind him stands a *padre* with a cross. The pedestal is ornamented with prows of caravels, and on each side of it are allegorical figures representing Discovery and Industry.

— GENOA. "THE GENIUS OF COLUMBUS."

One of the best of the pieces of sculpture associated with Columbus is the beautiful marble figure called "The Genius of Columbus," in the Royal Palace at Genoa. It represents a winged youth surrounded by a steering wheel, an anchor, cables, and other nautical instruments. An illustration of it appears in *The Chautauquan* for November, 1892.

— MADRID. STATUE IN THE COLONIAL OFFICES.

The offices of the Minister for the Colonies in Madrid possesses a statue of Columbus executed by J. Samartin, a Spanish sculptor. Its date nor history cannot be ascertained.

— MADRID. FIGURE IN THE ROYAL ACADEMY.

In the Royal Academy at Madrid is a fine allegorical composition illustrating the Discovery of America, its motto being *Plus Ultra*, or "There is more beyond." It is a female figure upon the back of a lion treading upon globes. The sculptor was J. Gandarias.

— ROME. BUST IN THE CAPITOLINE MUSEUM.

In the *Protometeca* of the Capitoline Museum at Rome is an ideal bust of Columbus, the history of which is not known. A replica is in the rooms of the N. Y. Historical Society. The hall called the *Protometeca*, in which the bust is situated, was founded by Pius VII, to contain busts and statues of celebrated Italians, especially those distinguished in the arts and sciences.

(Projected). BARCELONA. TRIUMPHAL ARCH.

In addition to the splendid monument unveiled in 1888, Barcelona is to have an arch commemorative of Columbus. Fifty thousand dollars was appropriated for the purpose in 1890 by the Spanish government, but the liberality of the municipal authorities and of private citizens has largely increased this amount.

(Projected). GRANADA. PUBLIC MONUMENT.

In 1890, the Spanish Government, with the liberality which has recently characterized its erection of memorials to Columbus in the places connected with his career, appropriated \$50,000 for the erection of a monument at Granada, to commemorate the discovery of America. The work on the monument was done at a studio in Rome, and the completed model was recently removed from that city to Granada, where it will be unveiled shortly by the Queen Regent of Spain.

(Projected). ROME. MONUMENT TO THE VATICAN.

During the present fourth centennial year of the discovery of America, an international committee has been formed for the erection of a worthy monument to Columbus in the city of Rome. Promises of support have already been received which guarantee the success of the movements. Circulars have been issued asking for universal co-operation among the existing Columbus committees of Europe and America, and for the formation of committees among the Catholics of the world, in order to make the memorial a truly international one. The site chosen for the memorial is such that the statue will face the Vatican. It is possible, however, that this may be changed, and the monument erected within the precincts of St. Peter's.

COLUMBUS PORTRAITS.

The disputed question of the portraits of Columbus has produced a very considerable number of articles in periodicals, and the transactions of learned societies, particularly within the past year. The beginning of the discussion was a paper by Jomard, in 1845, in the *Bulletin de la Société de Géographie*. This was occasioned by a project to raise a monument to Columbus in Genoa, and was followed by Carderera's *Informe sobre los retratos de Cristobal Colon*, printed in 1851, in the *Memorias* of the Royal Academy of History at Madrid. Both papers were reviewed by Isidore Löwenstern, in the *Revue Archéologique*, x, 181. The discussion was closed for the time being, by Feuillet de Conches, in a very able paper in the *Revue contemporaine*, xxiv, 484, but was reopened in Spain by Riös y Rios in a paper published in the first volume of the *Boletín* of the Royal Academy of History, 1877-9. In the same volume will be found two papers, one by Carderera and one by Rosell, bearing upon the same question. The latest Spanish authority is J. M. Asensio in his *Cristobal Colon*, tome 2.

In English, the literature on the subject has mainly been the outcome of the recent study of Columbus. A brief letter by Irving, written in his last years, was printed in the fourth volume of the *Life of Irving*, and in the *Proceedings* of the American Antiquarian Society for April, 1853, an account was given by I. M. Barton, of a portrait recently presented to the Society by himself. A copy of the Yanez portrait, presented to the Wisconsin Historical Society by Governor Fairchild, induced Prof. J. D. Butler to study the history of some of the portraits, and the fruits of his study are given in the *Collections* of that Society, Vol. IX, p. 76 (also printed separately), and in *Lippincott's Magazine* for March, 1883. Cf. also *The Nation*, Nov. 16, 1882. More recently the subject has received careful attention at the hands of Mr. Winsor, Mr. Curtis, and Mrs. M. J. Lamb. In addition to the value of their critical notes, their articles will be found exceedingly interesting because of the abundance of illustrations. Mr. Winsor has presented his views in the *Catalogue of the Ticknor Library*, pp. 94-5, Boston, 1876, in his *History of America*, Vol. II, pp. 69-78, and in his *Christopher Columbus*, pp. 61-70. Mr. Curtis' paper will be found in *The Cosmopolitan*, January and February, 1892; and Mrs. Lamb's, in the *Magazine of American History*, Vol. XXIII, pp. 406-8, XXVI, 241-60. The recent purchase of the Lotto portrait by a citizen of Chicago, has caused the production of several illustrated articles on it, notably one in *The Century* for October, 1892. Judge Daly has recently given an account of Columbus portraits to the New York Historical Society.

XII

CAUSES OF THE AMERICAN REVOLUTION

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History—*Freeman*

TENTH SERIES

XII

CAUSES OF THE AMERICAN REVOLUTION

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BALTIMORE
THE JOHNS HOPKINS PRESS
DECEMBER, 1892

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JOHN MURPHY & CO., PRINTERS,
BALTIMORE.

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THE CAUSES OF THE AMERICAN REVOLUTION.¹

“When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the *causes* which impel them to the separation.”—*Declaration of Independence*.

It is the purpose of this monograph to review the final and efficient causes leading to the American Revolution, involving an inquiry into the leading features of the controversy between Great Britain and her American colonies which led to the independence of the United States.

The separation of the English colonies in America from all allegiance to the British Crown was an event of the highest moment in human history. The dissolution of all political connection between those colonies and the State of Great Britain not only recorded the rise of a new nation among the nations of the world, but it marked also the dismemberment of the British Empire and thus put an end forever to the political unity of the English race. It was this event which Lord Brougham called “the most important in the history of the human species.”² “By that revolution,” says Green, “the English nation was divided. It was still one race but two

¹ This historical study is a University Extension lecture elaborated.—ED.

² *Political Philosophy*, Vol. III, p. 329, cited by Frothingham.

nations, an instance where to divide was to multiply and with that event Anglo-Saxon civilization entered upon the conquest of the world.”¹ This great movement marked the beginning of colonial revolts which continued until all the American dependencies of European monarchies had become independent republics; it changed the whole theory of the relation of colonies throughout the world to the mother country;² and it was the beginning of the first realization in history of the federal republic on an imperial scale,—a polity which presents a combination of local self-government and centralized power unprecedented in the records of political experience.

The causes of revolutions, of such momentous changes, are far-reaching, as far-reaching as the history of nations. When Mr. Greely began to write the history of “The American Conflict”—meaning the Civil War between the States, from 1861 to 1865—he began with the settlement of the country at Plymouth and Jamestown, and he deemed it important to trace the beginnings of nationality and union in the struggles of the Continental Congress. Mr. McCarthy in his late history of the French Revolution quotes Lord Beaconsfield as saying that there have been “only two events in history, the siege of Troy and the French Revolution.” The Tory Premier meant, it is supposed, that all events of ancient history were the outcome of one of these, and all events of modern history were someway connected with the other. The paradoxical phrase is used to remind us that if we “trace any single event back step by step,” as Mr. McCarthy says, “we will find the event of yesterday intimately and indissolubly connected with the creation of the world.” To find a starting point for the cause of a great historical movement is, more or less, an arbitrary matter.

We fix the starting point for the study of the American Revolution at 1763. Here we find a turning point not only

¹ Green's *History of the English People*, Vol. IV.

² Ludlow's *War of American Independence*, p. 2.

in the history of America, but in the history of the world. That memorable year is the natural eminence on which the historical student may find a point of view for looking backward over a century of conflict for empire in America and for looking forward over the development from dependent colonies of an independent republic of federated States. One great movement is closed, another begins.

The year 1763 marks the close of the Seven Years War, the first of the great European Wars which found its causes in America. Some appreciation of the causes and outcome of that great war, of the great changes which it wrought in the map of the world and in the political relations of the nations of Europe, is essential to an understanding of the revolution which it presaged and introduced. The war marked the close of the great struggle between England and France for territory in America. That long struggle was a part of another Hundred Years War between those two great nations. From the accession of William III, 1689, until Wellington sheathed his sword at Waterloo in 1815, in that period of a century and a quarter, England and France were continuously at war for sixty-four years.¹ For those great wars there were three distinct causes: 1. At the beginning of the period—following 1700—England went to war to vindicate her revolution, to secure the maintenance of her ancient constitution and to resist the efforts of France to upset the balance of power in Europe. The Bourbons were seeking the Spanish throne. 2. At the end of the period—just before and following 1800—the French revolutionary influences and the ambition of Napoleon provoked the great European wars of that age. 3. But in the long interval between these historic contests the abiding cause for that century of war was the fact that France and England were rivals in the struggle for dominion beyond Europe, and especially in America.

¹ Caldecott, *English Colonization and Empire*, p. 34. University Extension Manuals.

At the close of the 17th century France was at the summit of her power. She was inheriting the colonial kingdoms prepared for her in the age of Colbert, the great Colonizer of France. When we look to the advancement of political power, to the enlargement and glory of the state, the name of Colbert is easily first of his age in France, though his was an age and France was a land remarkable for their great array of great names. No other minister in Europe than Colbert ever made colonization so distinctively a part of his policy; no other ever evolved colonizing plans so sagacious and far-sighted. He increased the navy of France within twenty years from 30 to 176 ships; he saved from waste and corruption sixty millions of the nation's revenue. Colbert was the great organizer of peace for France, as Louvois was her great organizer of war.¹ By 1690, through Colbert's influence, the French, besides their well grounded hope of Empire in India and their power in Cayenne and the West Indies, had, in North America, Canada, Acadia, Cape Breton Island, the Fishing Banks of New Foundland, the mouth of the Mississippi and inland Louisiana. France held North America by its two rivers, the Mississippi and the St. Lawrence.² Such another age, another Colbert and another La Salle instead of the shameful and imbecile régime of Louis XV, and how changed might have been the history of the Western world. But ministerial government and great men were to arise upon the other side of the Channel. The humiliating age of Louis XV, in France, was also the age of Walpole and Pitt in England. When Pitt came to power in 1757, the fact moved Frederick the Great to say that "England had at last brought forth a man." It was the genius of Pitt that sustained the English colonies in America during the Seven Years War, and won for England the treaty of Paris in 1763 with its tremendous results.

This was the most important Treaty in its effects upon the state life of Europe since that at Westphalia, which established

¹ Duruy's *History of France*, p. 425.

² Duruy, *History of France*.

the balance of power among modern nations. It marks an epoch in universal history. Three of the many victories of the War which it closed are said to have "determined for ages to come the destinies of mankind."¹

At *Rosbach*, in the victory of Frederick the Great, began the recreation of Germany and the long process of German unity under the leadership of Prussia.

At *Plassy*, in the victory of Clive, the influence of Europe upon the nations of the East was brought to bear more powerfully than since the days of Alexander the Great.

At *Quebec*, in the victory of Wolfe, began the history of the United States.

Thus we are led to observe the different distinct results of the war as seen upon the four leading nations of Europe:

Austria was humbled. She was compelled to accept a rival in the affairs of the German States. The scene opened which closed at *Sadowa* and *Sedan* in 1866 and 1871.

Prussia was advanced. In this struggle it was the office of Frederick the Great, to place in the front rank of nations the power which had first been welded into an effective force, if not created out of hand, by the Great Elector. The *Hohenzollerns* became the equal rivals of the *Hapsburgs* and German unity began under Protestant hegemony.

France was humiliated. In the Seven Years War and by the terms of the Treaty which closed it, France had lost her merchant and military marine, her hopes of Empire in India had departed, she surrendered Canada to England and Louisiana to Spain, and retired from the Continent of North America. "Dupleix and Montcalm had aimed at building up an Empire," says Green, "which would have lifted France high above her European rivals. The ruin of these hopes in the Seven Years War was the bitterest humiliation to which French ambition had ever bowed."

¹Green's *Hist. of the Eng. People*, Vol. IV.

England is exalted. She wins for the first time her world empire. For the first time in her national history the "drum beat of the English reveillé followed the sun in his course around the world;" for the first time the sun never set upon English dominions. The war gave to England, India, America, and the Sea. Frederick II said: "The war began over a few miserable huts; by it England gained 2000 leagues of territory and humanity lost a million of men."

But it is especially important for our purpose to observe the effect of the Treaty on territorial re-adjustment in America. As to English America the War may be said to have brought her into being. Before the War the fringe of English colonies on the coast was like the string to a bow. The French were asserting their claims to the great inland arc. Before the War the imperial domain of France reached from the Gulf to the Arctic, from the Alleghanies to the Rockies. By the terms of this great Treaty,

Canada was ceded by France to England.

Louisiana was ceded by France to Spain.

Florida was ceded by Spain to England.

In two cases France lost; in two cases England won, and there had occurred one of the greatest concessions of territory in the history of war and diplomacy. The great re-adjustment seems to justify the remark of Dr. W. F. Poole that the Treaty of 1763 marks perhaps the most important epoch in the political and social history of North America.¹ As to the immediate effect of the Treaty on the colonies, we see that France had departed from their north side and Spain had departed from their south side. The colonists were no longer between the upper and the nether millstone. "America was English"² says Lecky. Thus the Seven Years War furnished the opportunity and prepared the way for the American Revolution. The War at once closed one great movement and

¹ Winsor's *Narrative and Critical Hist.*, Vol. VI, p. 685.

² *History of England in the 18th Century*, Vol. III, ch. on America.

made straight the path of another. In consigning America to English civilization ; it laid the foundation for an independent sovereignty in America. "By removing an enemy," says Green, "whose dread had knit the colonists to the Mother country, and by breaking through the line with which France had barred them from the basin of the Mississippi, Pitt laid the foundation of the great republic of the West." The War and its results had prepared the colonies for the Revolution and for independence by the martial training which it afforded, by revealing to them the necessity of union, by releasing them from the dread of the French and by thus breaking their feelings of dependence. It also opened to their minds the possibility of a westward movement. The subsequent attempt of the English Board of Trade to confine the western extent of settlement to such a short distance from the sea as would be convenient for English commerce, thus restraining the natural interior expansion of the colonies, was one of the incidental causes of irritation and separation.¹

Before entering upon the merits of the controversy by which the separation of the colonies from the Mother country occurred let us notice, in connection with the results of the Seven Years War, that independence and separation were not an unexpected political event. The language of Choiseul, the French minister, after the Treaty of 1763, is familiar. Speaking of the relation of the colonies to England, he said, "They stand no longer in need of her protection. She will call on them to contribute towards the burdens which they have helped to bring on her, and they will answer by throwing off all dependence." Higginson says this observation was probably an after thought upon the part of Choiseul ; it was not uttered until ten years after the Treaty.² But Choiseul

¹ See Proclamation of George III, October 7, 1763, and Report of Lord Commissioners for Trade and Plantations, 1772. Winsor's *Narrative and Critical History*, Vol. VI, p. 687.

² Higginson's *History of the United States*.

was not alone in his predictions of independence. Kalm, a Swedish traveller, said as early as 1748: "The presence of the French in Canada, making the English colonists depend for security on the mother country is the main cause of the submission of the colonies." Montesquieu the French political philosopher said, as early as 1730, in speaking of the restrictive measures of the English commercial code, "England will be the first nation abandoned by her colonies." Turgot, the great statesman and economist of France had also remarked, that the *colonies* were like fruit, "When they are ripe they will drop from the stem. When the colonists are ready they will do as Carthage did, set up for themselves."

It has been supposed, therefore, from the point of view of these expressions, that it was the manifest destiny of the colonies, when the fulness of time had come, to become an independent nation; though there had been no overt causes to precipitate the change, the natural and assured development of the colonies in the course of human events would have been sufficient. Of that we do not know. The patriotic loyalty to the Empire at present observed among the English dependencies throughout the world; what history tells us of the devotion to the mother country among the American colonies before our revolution; the present commercial policy of England and the liberal administration of her colonial affairs to-day—these do not indicate that the dismemberment of 1776 would have occurred in any usual order of events. It is expected of the historical student of this period, and it is the next purpose of this essay, to consider the direct and immediate causes of the revolution, those peculiar to the time and situation of the colonies, which account for the separation.

Incidental to this study it is important to understand the fundamental idea in the modern colony. *Colony* is an ambiguous term. "The Phœnician Colonies," says Prof. Goldwin Smith, "were factories; the Roman colonies were garrisons, the Spanish colonies were gold mines worked by slaves; and the Greek cities founded new cities but the

counterparts of themselves.”¹ Professor Seeley in his valuable book “*The Expansion of England*” has called attention very pertinently to the distinct ideas or the basis of colonies among three great historic colonizing nations, the Greeks, the Romans and the English.² The Greek idea in the first place was that a colony was a commonwealth. To the Greek the state—the *polis*, the city state—was essentially small. It could grow territorially only by the formation of new states. Therefore to form a new colony was to form a new state. The colony might be attached to the mother-stem, might be allied with it, might have affection for it, but did not belong to it and was not controlled by it. Corcyra was a colony and Corinth was a mother city, but Corcyra was one state and Corinth was another. The tie between them was only a sentimental one. To assert control over a colony, as Athens did over certain colonies in the Delian Confederacy, was to destroy autonomy and to be guilty of tyranny and usurpation. It was this extreme tendency toward state sovereignty in the city which prevented the discovery to the Greek of the modern American principle of the Federal Republic. As Prof. Seeley has represented it, these Greek colonies were like grown up children who have married and settled in another homestead. A new Greek colony brought the world a new Greek State.

Contrast with this the Roman idea of a colony. In the Roman conception—a conception which prevailed during mediæval times—the colony was a province to be ruled. It was an investment for the sake of gain; it was a piece of property to be worked for the benefit of the investor. The theory subordinated the privileges and interests of the colonists to those of the mother country. The colony is to be held and administered for what can be made out of it; its land is to be tilled, or developed, or colonized, or sold, or taxed, or drained of its wealth, as the interest of the home state may

¹ *Lectures on the Study of History*, p. 185.

² Seeley's *Expansion of England*, ch. on the “Old Colonial System.”

dictate. This condition the colonists would endure only because they could not cure.

Compare with these conceptions the modern or English idea of a colony, which is merely an extension of the mother state; it is the state enlarged. It is a recognized part of the original body politic. It is a part of a common empire and its people enjoy all the rights, privileges, immunities, and liberties pertaining thereto. This has been the happy condition of all English colonies since the American Revolution,—*since* but not before.

Now, it is to be remembered in this connection, that while the American colonists enjoyed all the rights, privileges, immunities and liberties of Englishmen, while they were treated as a mere extension of the mother state, while the true modern English theory of the colony was applied to them, they were loyal subjects of the Crown. But to the degree that they were treated as a province to be ruled externally, as a piece of property to be worked for investors, in as far as the Roman or mediæval theory of the colonies was applied to them, to that degree they tended to separation. To see the truth of this, and its application to the state of the colonies, it is only necessary to consider a few facts which are usually and very properly regarded as indirect causes of the war.

1. The attempts of the royal governors at arbitrary rule in America and the contest and irritation arising over the question of the royal prerogative.

2. The *commercial restrictions* by the English Navigation Acts and Laws of Trade, together with their effects upon colonial interests.

It is considered that the contest over the prerogative of the royal governors in America and the attempts of these governors, on occasions, to exercise arbitrary rule, were long standing and efficient causes of the alienation of the colonies from the mother country. The policy of arbitrary government and enlarged prerogative sprang from the purpose of making the colonies serviceable to England. This, in the

mind of the Englishman, was the only purpose for which the colonies existed.¹ But this service from the colonies was to be secured in disregard of the interests of the colonies. Notice as illustrative evidence of this the government of Andros in New England. In 1685, Andros came to America with the intention of depriving certain colonies of their charters; he came to consolidate New England, not for the benefit of New England, but directly in opposition to her desires, and rather for the benefit of Old England, that the colonies might more easily be governed and ruled in the interest of English trade. The colonies resisted, and they resisted on the same ground which their sons maintained nearly one hundred years later, claiming for themselves the ancient and inalienable rights of Englishmen, that these were guaranteed by their charters, and denying the right of the mother country to interfere in the internal affairs of the colonies. If there had been 2,000,000 people in America in 1685 instead of 200,000 it has been thought reasonable to say that the American Revolution would have occurred a hundred years sooner.

The significance of the conduct of Andros is that it was in large measure representative. For a hundred years before the outbreak of the Revolution there were contests, more or less important, between the power of the royal governors and the popular colonial party in the Assemblies. On the question of prerogative and anti-prerogative came the first political contest of the Revolution.² From this period, 1683, says Minot, "we may date the origin of the two parties,—the patriot and prerogative men—between whom controversy scarcely intermitted and was never ended until the separation of the two countries."³ It is not pertinent at this point in our consideration of our subject to enter into the controversy over the extent of the

¹ Burke's speech on *Conciliation with America*, p. 190, Vol. I, Works.

² *The Revolution Impending*, Mellen Chamberlain in Winsor's *Narrative and Critical Hist. of the U. S.*, Vol. VI, p. 3.

³ Minot's *History of Mass.*, I, 51, cited by Frothingham.

prerogative of the King or of the power of Parliament in the colonies. We shall consider the legal relation between the two countries in a later aspect of the controversy. It is however worth noticing here that one of the remarkable defects of the early charters was, that they did not clearly define the limit of rights between the local government and the Crown. The Constitution of the colonies invited abuse on the one hand and aggressions upon the other. The abuses of which the colonists complained were the repeated attempts, on the part of royal authority, to revoke or override their charters; the frequent efforts at remodelling their local governments with a view to checking popular power; enlarging the powers of the Board of Trade; the assertion that representative government in the colonies was a privilege, not a right, to be retained only at the discretion of the royal authority which had conferred it; and the persistent policy of the home government toward rendering the colonial governors and judges independent of the Colonial Assemblies.¹ It is not probable in the contests continually arising, that the governors were always wrong and the Assemblies were always right. The notable fact is that the steady aim of the governors was to check the growth of popular powers, and that the purpose of the Assemblies was to stand for what they deemed their constitutional rights. The important fact to be noticed is that the prerogative and power of the King and their gubernatorial assertion were a continual source of restiveness and irritation to the colonies. The character of their governors, as a rule, made them unacceptable to the Americans. The colonists looked upon the governors, as Franklin represented, not like rulers whose posterity have an inheritance in the government of a nation, and therefore an interest in its prosperity; they were generally strangers to the provinces they were sent to govern; had no estate, natural

¹ See Frothingham's *Rise of the Republic*, ch. IV, for a valuable consideration of the causes of the conflicts between the royal governors and the colonists in the desire of the latter for local self-government.

connection or relation there, to give them an affection for the country; they came only to make money as fast as they could; they were sometimes even of vicious characters and broken fortunes, sent by a minister merely to get them out of the way; as they intended staying in the country no longer than their government continued, and purposed to leave no family behind them, they were apt to be regardless of the good will of the people, and they cared not what was said or thought of them after they were gone.¹ This is what the Americans said of their governors. They were governors neither of the people nor for the people whom they were sent to govern; and when the first crisis of the Revolution came, it is not surprising that the conviction was found firmly imbedded in the minds of the Americans, that if duties were to be forced upon them to support these governors and their governments, without the intervention of their Assemblies, the Assemblies would soon be looked upon as useless. Therefore, in resisting the unconstitutional interference of the King and his governors, or in their invasions on the prerogative, if one chooses so to call it; in their effort to keep their governors and judges dependent on popular favor and support and thus keep the real power in administration in the hands of the people—in this contention the colonists felt that they were standing for their dearest and most essential rights. The right to a representative government was in issue. It was this party conflict and the antagonisms which it aroused, which account for many of the indictments against the King in the Declaration of Independence: "When a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security." For specifications the signers of the Declaration recited that the King had refused his assent to laws the most wholesome for the public good; he had for-

¹ Franklin's *Causes of American Discontents*, Works IV, pp. 247-8.

bidden governors to pass laws of pressing importance; he had refused other laws for the accommodation of the people unless the people would relinquish their right of representation; he had repeatedly dissolved Representative Houses for opposing royal invasions on popular rights, and he had attempted to make governors and judges dependent on his will alone for their tenures and their salaries.”¹

The advocates of the American cause in the issue between prerogative and popular rights were not confined to America, and it is therefore true, in a measure, that it was a conflict not between two peoples but rather between two parties.² When the occasion arose in the contest over taxation, after the colonists had grown strong and deemed that important material interests were at stake, it became the part of the Americans to make a new assertion and a wider interpretation of the principles of the party opposed to the prerogative—an interpretation which they made convenient to their circumstances and the necessities of their cause. This they could do because they were found possessed with a political faith which had come as the result of a political experience. This faith was the basis for their resistance, and thus it was that the experience of the colonists in their contests over the prerogative and in their resistance to arbitrary rule were a cause and a preparation for the Revolution. They were ready with a constitutional defense for their resistance to an innovation.

The second indirect cause of the war which we have named, was the commercial restrictions upon the colonies. In these, says Lecky, the great historian of *England in the Eighteenth Century*, the colonists had a “real and genuine grievance.”

Cromwell by the Navigation Laws began, in 1651, the establishment of the English empire of the sea. It was these laws, combined with Colbert’s tariffs against the Dutch, which de-

¹ *Declaration of Independence.*

² Chamberlain, *The Revolution Impending*, Winsor’s *Narrative and Critical Hist.*, Vol. VI.

stroyed the carrying trade of Holland, and gave England in commerce the first place among the nations of the world. The colonial policy of the century following Cromwell was one of restriction. The spirit of Mercantilism was dominant in the public mind. This economic theory taught that wealth was identical with money, and that every nation should so conduct its business as to import little and export much, that economic success depended upon attracting and holding as much as possible of the precious metals; that the Minister should secure for the state, at the price of high duties, prohibitions, subsidies and bounties, if need be, the "balance of trade" between nations.¹ It was an age of great national competition. The mercantile spirit was dictating the conduct of every nation in Europe towards its colonies. Every European power which had colonies in the western world, confined the trade of the colonies to the mother country.² This practice became, within the century, a recognized principle of conduct among the nations. By the International Rule of 1756 the doctrine was formally announced that trade with colonies was the exclusive privilege of the subjects of the mother country.³ This England enforced in colonial times, allowing neither the colonies nor any other nation the benefits of gains from American trade. It was English adherence to this rule which brought on the commercial complaints preceding the War of 1812. Its application was tolerable, at least it was tolerated, in the 18th century, before the new age of modern neutrality and before the light which Adam Smith furnished to Economic philosophy had been given to the world. But as applied by England to her colonies it may properly be called a reversion to the Roman theory of colonization, the use of colonies, at whatever commercial injury to *them*, for the profit of the home government.

¹ Ingram's *History of Political Economy*, "Mercantilists."

² Tucker's *Four Tracts*, p. 133, cited by Lecky, *Eng. in 18th Century*, Vol. III, p. 327; see also Adam Smith's *Wealth of Nations*, Book IV, ch. VII.

³ Sir Henry Maine, *Lectures on International Law*.

It gave over the colonies to the use of a few Englishmen incorporated in the trade companies of the realm.

It is well enough to mention the fact that England, in this policy, was acting in harmony with the prevalent economic opinion of the day and in harmony with the commercial policy of other nations. Whatever of apology or palliation is to be found in this should have ample consideration, as Lecky urges. But as this great historian asserts, "when every allowance has been made, it is undoubtedly true that the commercial policy of England had established a real opposition of interest between the mother country and her colonies; and, if the policy which was the proximate cause of the American Revolution was chiefly due to the King and to the landed gentry, the ultimate cause may be mainly traced to the great influence which the commercial classes possessed in British legislation. The expulsion of the French from Canada made it possible for the Americans to do without English protection. The commercial restrictions alone made it their interest to do so. If the 'Wealth of Nations' had been published a century earlier, and if its principles had passed into legislation, it is quite possible that the separation of England and her colonies might have been indefinitely adjourned."

It is not necessary to trace in detail the trade restrictions by which the colonists were embarrassed. But from Cromwell, 1651, to Grenville, 1763, we find a constant and persistent series of measures restricting the trade of the colonies:

The colonists were confined to the British dominion for their market. Their tobacco, cotton, silk, coffee, indigo, skins, sugar, and rice, were cut off from all natural course to foreign nations. The English planters interested in their sugar colonies wanted a monopoly of the American market for their sugar and molasses. But they were not willing to take in exchange the timber and other natural products which the Americans had to sell. The merchants expected the cash. The French West Indies, were offering both a supply of sugar and molasses, and a market for New England lumber. Here was a natural avenue for a

beneficial trade. But the English Navigation Act of 1733 imposed a prohibitory duty on sugar and molasses, imported into any of the British plantations from any foreign colonies. Nothing was left to the Americans but ruin, or smuggling violations of the law.

The colonists could carry no goods from Europe to America which had not first been landed in England. The whole American people were forbidden to import directly any wine, oil, or fruit, from Portugal. To obtain these goods the Americans had to take them loaded with the expense of a voyage three thousand miles around, having to be landed first in England to be reshipped for America, expenses which added at least 30 per cent. to their cost; and all this merely that a few Portuguese merchants in London may gain a commission on those goods passing through their hands.¹

All forms of colonial manufactures which could possibly compete with England were crushed.

In the interest of the English woolen manufactures, the colonists were not allowed to carry woolens to any foreign country, nor from colony to colony.

In the interest of English sugar planters, as we have seen, the importation of sugar and molasses and rum from the French West Indies was forbidden.

For the sake of a few merchants carrying on trade with Virginia, the colonies were drained of their gold and silver coin by their remittance to England, and then were forbidden the use of paper money made necessary by their internal commerce.²

South Carolina and New Hampshire attempted to restrict the slave trade for the sake of the social welfare, and their acts were overruled by the Crown,—a representative veto indicating that every act of a colonial legislature curtailing any branch of English trade was to be overruled.

¹ Franklin's *American Discontents*, Works, IV, p. 250.

² *Ibid.*

Thus "the interest of a small body of British tradesmen or artificers," says Franklin, "has been found to outweigh that of all the King's subjects in the colonies." There cannot be a stronger natural right than that of a man's making the best profit he can of the natural produce of his hands, provided he does not thereby hurt the state in general. Iron is to be found everywhere in America, and the beaver furs are the natural produce of that country. Hats and nails and steel are wanted there as well as here. It is of no importance to the common welfare of the Empire, whether a subject of the King obtains his living by making hats on this or on that side of the water. Yet the hatters of England have prevailed to obtain an act in their own favor, restraining that manufacture in America in order to oblige the Americans to send their beaver to England to be manufactured, and to purchase back the hats loaded with the charges of a double transportation. In the same manner have a few nail makers, and a still smaller body of steel makers prevailed totally to forbid by an act of Parliament, the erection of slitting mills or steel furnaces in America, that the Americans may be obliged to take all their nails for their buildings and steel for their tools from these artificers under the same disadvantages.¹

In view of these things it does not seem unreasonable to say that to release labor and trade from their restrictions was the object of the Revolution. So important has this appeared to writers on this chapter of our history that it has been said that "but for the policy which oppressed the commerce and inhibited the use of the waterfalls of New England, the dispute would have been left to posterity."² Webster said a half century later, "Whoever has looked deeply into the causes which produced our Revolution has found the original principle far back in this claim on the part of England to monopolize our trade and a continued effort on the part of the colonies

¹ Franklin's *Causes of American Discontent*, Works, Vol. IV, p. 251.

² Sabine's *Royalists of the Revolution*.

to resist or evade that monopoly.”¹ In this cause we can easily account for the fact that the revolutionary spirit, the opposition to the home government, was stronger in New England than in the South. That discontent was more general in the North was in consequence of the greater trade of New England.

It appears very evident, then, from the character of the people in the colonies, from their situation far distant from the seat of government, from the ignorance of Englishmen of colonial interests and affairs, from the jealousy of the colonies of their political and constitutional rights, from their repeated and irritating conflicts against the prerogative of their royal governors, and, especially, from the burdens of the commercial system,—from consideration of all these it is clear that not much was needed in the way of a fresh quarrel to excite serious danger of resistance to authority. If while the colonies were growing stronger their grievances grew heavier, if any act, or policy, of government should occur to provoke serious opposition among the Americans, it is easy to see that a strain would be put upon the attachment of the colonies to the mother country beyond what loyalty to the empire would endure. The need of the hour in England was a statesman in control, with tact enough to know how far government might safely go. A little more, and self-interest would get the better of English patriotism within the colonies. This is exactly what happened. To the subject of this new quarrel, which lack of statesmanship provoked, and which seemed a very little thing in the beginning to the ruling Englishmen of that day, we come now to give attention.

It may be said that the restrictive legislation of the commercial code was enacted but not enforced. Measurably so. That may be said to be true until the historic epoch of 1763. The increased importance of America to the mother country led to increased interest of the ministry in American affairs,

¹ Speech on *Early Settlement of New England*.

and, consequently, to a change of policy in the Trade laws affecting the colonies.

It is said that Grenville lost the colonies because he read the American dispatches, which no minister before him had ever done. Previous ministers are reported to have sent out letters addressed, "To the Governor of the Island of New England."¹ But this ignorance of the colonies could not continue. By the increased importance which came to them by the territorial readjustment of 1763, they were now to be looked to as an important source of revenue. England could no longer neglect them nor the ministry be ignorant of them. It was then that Grenville fatuously determined upon three distinct measures which, Lecky says, produced the American Revolution :

1. To enforce the Trade Laws.
2. To quarter in America a part of the British Army.
3. To raise by Parliamentary taxation of America a part of the money necessary for the army's support.

Toward the first of these measures, the enforcement of the Trade laws, the customs officers were ordered to greater vigilance. Smuggling was to be suppressed. It was in this effort to suppress smuggling that the custom house officers in 1761 raised the question in the courts of Massachusetts as to the memorable *Writs of Assistance*. These writs were to be applied for by the collector of customs to enable him, his "tide waiters, land waiters, and all, to command all sheriffs and constables to attend and aid them in breaking open houses, stores, shops, cellars, ships, trunks, and packages of all sorts to search for goods which had been imported without paying the taxes imposed by certain acts of Parliament called the acts of Trade."² These acts, says John Adams, had been "procured from time to time for a century before by a combination of selfish intrigues between West India planters and North American

¹ Higginson's *History of U. S.*, ch. on "British Yoke."

² John Adams' "Letter to William Tudor," *Niles Register*, Vol. 14, p. 139.

royal governors. They never had been executed as revenue laws and there never had been a time when they would have been, or could have been, obeyed as such.”¹ It was in pleading before the court in opposition to these writs that Otis won his fame, appearing as Adams says, like “a flame of fire.” Otis objected to the writs that they were general and not special, and that they were perpetual and not returnable. By a special writ, the only kind that was legal according to the opinion of Otis, the warrant allowed a search of such and such houses specially named by the complainant under oath, with reasons for his suspicions. Every man’s house is his castle. But by *general* writs every man’s house became subject to inspection; the writs allowed the invasion of any citizen’s house by any petty officer or by *any one* who might wish to use the writ as a means of private annoyance. The writs were perpetual in that they were negotiable; they were not temporary to be returned after the supposed occasion for their issue was passed, but might be transmitted by an officer to his successor or to his subordinates. John Adams conceived that the policy which called these writs into use was begun by the British Ministry with the design of “subjecting the colonies to the unlimited authority of Parliament,” and he asserts that American independence was born on the day of Otis’ eloquent and fiery resistance.² In speaking, a half century later, of Otis’ speech on this occasion John Adams said, “Then and there was the first scene in the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born.”

In addition to this very questionable method of enforcing obsolete and obnoxious laws the ministry determined upon the renewal of the hateful Sugar Act of 1733, which, if enforced, would have been the most ruinous to the American trade of any part of the commercial code. They also imposed new duties upon many articles. There were some compensations in the

¹ John Adams’ Letter to Tudor.

² *Niles Register*, Vol. 14, p. 140.

new revenue laws, but the stringent measures provided for enforcement were calculated to make the colonists feel that, whereas the fathers had chastised them with whips the ministry were now disposed to chastise them with scorpions. A heavy tax easily avoided was not so irritating as a lighter tax vigorously enforced. The attempt to enforce the Trade laws could but call the attention of the colonists to the discriminations against them, and it was evident that enforcement could be carried only at the expense of a struggle resulting in alienation. Older statesmen than Grenville, men like Pitt or Walpole, would have counseled more wisely. Rehoboam preferred the counsel of the young and foolish, and the tribes rebelled.

The policy of quartering troops in America, the second immediate cause of the war, although objectionable to the Americans had many considerations in its favor. It was reasonable to suppose that the possessions so newly acquired, required defense against the French who were anxious to recover, or against an insurrection of the French colonists who might prove easily dissatisfied with their new masters. The country was very large and thousands of miles of frontier were open to the attacks of the Indians; the late formidable conspiracy of Pontiac was not reassuring; and experience had shown that the colonies were slow and reluctant to contribute to the common defense when they happened to be remote from the scene of immediate attack and danger. Defense against the Indians in Virginia or the Carolinas would receive very little attention and support from New York or Massachusetts. Imperial interests were to be maintained against the rest of the world, the borders of British America were to be enlarged or secured, and these ends seemed to require the presence of an imperial army.

On the other hand, it may be urged very properly, it had not been shown that the colonists were unwilling to raise troops for their own defense in time of danger. No scheme for a common contribution by the colonies toward such defense had ever been earnestly urged by the home government. The

colonists had always defended themselves from the Indians and now that the French arms had been expelled from Canada there was less danger from that source than before. Under these circumstances the colonists suspected that the ministerial policy of sending troops to America, to be beyond colonial control, was designed to strengthen the royal executive against the Assemblies and to enforce the obnoxious regulations of the revenue laws. These considerations, combined with the natural and long standing dislike of the English people to a standing army in time of peace,—a dislike especially noticeable among the descendants of those who had resisted the Stuart tyranny,—these considerations account for the resistance aroused by the quartering policy.

TAXATION WITHOUT REPRESENTATION.

None of these influences which we have named, nor all of them together, would have caused the revolution. The attempt of England to restrict the operations of the colonial government and extend the royal prerogative, the Navigation Laws and Acts of Trade, the demand for provision for the support of royal governors and judges, the quartering policy, the general fact that England regarded the colonies as so much lucrative property to be administered for her own benefit and not for theirs,—all of these grievances were long standing. Yet, they had brought forth no decisive tendencies to independence, nor had they provoked any serious evidences of disloyalty. It was only after the Seven Years War when England asserted the right of domestic taxation by Parliament that the Americans began to revolve these grievances in their minds, which, “from their respect and love to England they had long borne and seemed almost willing to forget.”¹ There is abundant evidence of the loyalty of the colonies to England in 1763. In the English diplomacy of that year the colonial

¹ Franklin's *Causes of American Discontents*, Works, Vol. IV, p. 250.

interests had been safely guarded and for the Treaty of Paris the Americans had great reasons to rejoice. Otis, voicing the sentiment of the colonies, acknowledged the love of all Englishmen in America for the mother country, their pride in the power and glory of the English name, and he asserted that "what God in his providence had united together, no man should dare pull asunder."¹ Franklin testified before the House of Commons in 1766 that the temper of America toward Great Britain at the close of the Seven Years War in 1763, was the best in the world. They submitted willingly to the government of the Crown and paid, in their courts, obedience to the acts of Parliament. The colonies cost nothing in forts, citadels, garrisons, or armies to keep them in subjection. They had not only a respect but an affection for Great Britain, for its laws, its customs and manners and even a fondness for its fashions that greatly increased the English commerce.² America was loyal.

It was the new taxing measure of Parliament, the ministerial policy on colonial taxation, which alienated the colonists and led directly to the independence of America.

THE STAMP ACT.

To understand the merits of the controversy over the Stamp Act is to understand the merits of the American Revolution. "The Stamp Act," says Lecky, "when its ultimate consequences are considered must be deemed one of the most momentous pieces of legislation in the history of mankind."³ Yet it is well known that this "momentous piece of legislation" passed the English House of Commons without exciting there even a passing interest. It was introduced into an almost empty House. Burke says he never heard a more languid

¹ Speech, Boston Town Meeting.

² "Examination of Franklin in House of Commons," Works, Vol. IV, p. 169.

³ *England in Eighteenth Century*, Vol. III, p. 351.

debate in the Commons than the one on this measure. "The affair passed with so very, very little noise that in town they scarcely knew the nature of what you were doing," he says.

What was this remarkable act? Was there anything in itself to indicate that its results would be so momentous? It provided that all bills, bonds, leases, insurance policies, newspapers and legal documents of all kinds, should be written upon stamped paper, to be sold by public officers at prices fixed by law. The proceeds were to go into the King's treasury to be applied by Parliament exclusively to the protection and defense of the colonies. Offenses against the act were to be tried in courts of admiralty without the cognizance of a jury. As a revenue measure, barring its denial of a jury trial, it was not unusual or unreasonable. It may be said to be a fair and simple proposition of a sovereign power to tax its subjects. To declare war and peace, to make treaties, to coin money, to administer justice, and to tax,—these are the few fundamental prerogatives of sovereignty. A denial of one of them on the part of the subject is a denial of sovereignty to the nation. Why should loyal subjects of the Crown have denied the sovereign power of taxation to the supreme legislature of England? It was not proposed by any English statesman to tax the colonies for English purposes. All the money raised in the colonies was to be expended in the colonies. In fact the colonists were only asked to contribute one-third of the burden which they imposed upon the Empire. The Stamp Act was not expected to produce more than \$500,000 annual revenue while the English army for the defense of America was costing every year nearly a million and a half. Was America to receive all the benefit and England to pay all the bills? Further, we are called upon to consider that an English navy was defending the American coasts and an English debt had accumulated in defense of American interests. Before the war the English public debt was about 350 millions sterling; after the war it was about 700 millions. The debt had been doubled in defense of the colonies. In 1748 at the Treaty

of Aix la Chapelle the civil and military establishment in America was costing only about £70,000 a year. In 1763 after the colonies had been delivered from foreign danger, and in order to secure them against attack from the Indian, the Spaniard, and the French, the same civil and military expenses were costing £350,000. England had made it her chief object to guard the interests of the colonists in the Peace of Paris, and she found her colonial expenses had been multiplied by five. Was it not reasonable, then, that Americans should be asked to bear part of these expenses? Were not the colonists under obligations of honor and law to help bear the burden of their defense and support? Was the demand of the mother country not moderate and equitable?

It rests upon us, also, to remember that as a taxing measure it was never claimed that the Stamp Act was burdensome. Probably no scheme of taxation could have been devised at the time which would have been easier or evened. When Grenville declared his intention of taxing the colonies in 1764, he asked the colonial agents in London to say to the colonies that if they could not agree among themselves upon raising a revenue by their own assemblies yet, if they disliked stamped duties and would propose any other sort of tax which would carry the appearance of equal efficacy, he would adopt it. There is no reason to believe that Grenville had any desire or intention whatever to subject the colonies to tyranny and oppression. Nor is there reason to doubt his willingness to accommodate himself to any tax which would have been most agreeable to the colonies. He did not wish to treat them harshly nor deprive them of any of their rights and liberties. What he was concerned about was to provide in his bill for a reasonable colonial revenue and to make sure of getting it. Was this not the business of the office with which Grenville was charged? It was his duty to manage the revenue. He regretted that his action would excite opposition and resentment in America, but he felt that the colonies could and ought to pay something to the public cause, and he knew of no better

way—he could find no better way by inquiring of the colonists—for raising the revenue. He was aware that the Americans, like all men, wished not to be taxed; but was that a reason why they should be relieved? Was Grenville not justifiable in using whatever just means he found necessary for making sure of a revenue?

It is also evident that a Parliamentary measure was the only means by which he could make sure.

In the year 1764 the colonies were informed through their agents in England that a revenue would be required of them, towards defraying the charge of the troops kept among them. In harmony with this information a resolution was adopted in the House of Commons that for the purpose of raising such a revenue a stamp duty might be necessary.¹ This proposition was not original with Grenville. Nor was it the first time such a proposition had been seriously urged. It was the outcome of hardy experience. In 1739 it had been proposed to Walpole that a stamp tax should be levied in the colonies to raise revenue for defending the western frontier. Walpole rejected the proposition, although there were evident the aggravating difficulties in securing among the colonies co-operative contributions for common defense.² Again when war broke out between the French and English in America in 1754, General Shirley, then Governor of Massachusetts, proposed in connection with the discussions of the Albany congress of that year, that application should be made to Parliament to empower a general congress of the colonies to tax the whole according to their several proportions.³ It appears that this proposition was acceptable to most of the colonies. But the jealousy or backwardness of some of them

¹ Knox, *Controversy between Great Britain and her Colonies*, p. 198.

² At this time it is said Walpole exclaimed: "What! I have half of old England set against me already, and do you think I will have all New England likewise." John Fiske, *Atlantic Mo.*, March, 1888.

³ Knox, *Controversy*.

prevented this plan from being carried into execution ; it was evident that some of the colonies would not come into the congress, nor be bound by its action. This experience clearly proved, to Governor Shirley's mind, that the Colonial Assemblies would not agree among themselves upon a fund for their military defense, and that if such a fund was to be provided for, the only effectual way of doing it was by an act of Parliament. Governor Shirley therefore recommended that Parliament should assess a certain sum on each colony ; that it would be advisable to leave to the several colonies the manner of raising the revenue, whether by stamp duty or excise, but that if any colony failed to contribute its share, the sum should be assessed by Parliament and collected by imperial officers. "Thus it appears," says Knox in his *Controversy with the Colonies*, "that too much honor has been done Mr. Grenville in imputing to him the origin of an option that Parliament had a right to impose taxes in the colonies, or raise a fund there to pay the expenses of military services in default of the colonies raising it by their own Assemblies."¹ Grenville now gave the colonies to understand that if they did not make grants in their own Assemblies, Parliament would do it for them. Knox, then under-secretary, represents that Grenville warmly recommended the making grants by their own Assemblies as the most expedient method.² In this recommendation

¹ Knox, *Controversy with the Colonies*, pp. 197-8.

² Grenville never made this claim for himself. Burke in his *Speech on Taxation* controverts the assertion made on behalf of Grenville, that he had given the colonies an option for the Assemblies to tax themselves. He says : "Much stress is laid on this fact. However, it happens neither to be true nor possible. Mr. Grenville never thought fit to make this apology for himself in the innumerable debates that were had upon the subject. He well knew that the colony agents had no general powers to consent to it." Burke further asserted that Grenville had let it be understood through a member of Parliament that those who wished to oppose before the ministry the policy of Parliamentary taxation might as well save themselves the trouble of discussion as he was determined upon that point." (See *Speech on American Taxation*, p. 127, Vol. I, Works.)

Grenville was evidently not sincere. He must have known that no such grants were likely to be made and that such a plan for revenue was entirely impracticable. Because, when Franklin on behalf of Pennsylvania suggested to Grenville, after the Stamp Act was proposed but before it was passed, that, in lieu of this Act, the demand for money should be made in the old constitutional way of requisition upon each colony, Grenville answered him, and cut short the discussion, by the forcible question whether the proportion for each colony could be agreed upon. The agents of the colonies knew and confessed that such agreement could not be reached. Grenville also had reason to believe that the requisition would in the case of almost every colony be refused and the demand would be used by the colonists as proof that the Parliament had no right to impose a tax. "Perhaps it might happen," said Knox, "that all the Assemblies could agree in opinion upon some one point, but I much fear that point would not be to *lay taxes upon themselves*."¹ Knox showed very clearly that the difference of the colonies, the experience of the past, the varied interests and purposes which at different times would demand a revenue, the little concern which one colony manifested in any danger when the danger was remote from itself, the dislike of all the colonies to the standing army to which they were expected to contribute,—these considerations proved that if a defense fund was to be raised it must be raised by Parliament. The consent of seventeen Colonial Assemblies could not be obtained. If the colonists were to be taxed at all for imperial purposes Parliament was the only power competent to tax them. This, we may repeat, was conclusive for two reasons: 1. The colonies could not be induced to confide the power of taxation to a single Colonial Assembly. 2. If they could be so induced there was no assurance that the tax would be voted. Was England then to be blamed if she insisted upon a Parliamentary tax?

¹ Knox, *Controversy*.

Moreover, was not the Parliament constitutionally competent to tax the colonies? In the English view, to deny this competency was to deny the supremacy of Parliament over the colonies. If they were to be at liberty to choose what they should pay and how they should pay it, who would doubt that their allowance would fail? On that footing they would, of course, refuse to pay any taxes at all. It would be much better for England, if the constitution would not allow her to tax the colonies, to disclaim all connection with them and refuse longer to continue protection over the colonies all at her own expense.¹ For one hundred and fifty years England had been taxing the colonies in treating them as a part of the Empire. The English tariff of that day against colonial products was undoubtedly a tax, and though the tariff had been arranged for the purpose of regulating the trade with the Empire and not for the purpose of raising a revenue, yet the distinction between a tax for one purpose and a tax for another, between a tax gathered directly and a tax gathered indirectly, was a distinction without a difference recognized by the constitution. The Americans' reasoning that they could not be taxed except by a body where they were represented, especially when it was known that they would refuse representation to avoid the tax,—this reasoning might be applied with equal plausibility to the Navigation Acts and to all legislation for the colonies, and this would tend to the disintegration of the Empire. The deliverance of the colonies from French aggression, which was the cardinal result of the late war, had been an imperial measure carried out for the good of the Empire. Why not pay for this common benefit by a common imperial contribution? What body was constitutionally competent to levy this contribution except the imperial Parliament? If it be granted that Parliament was not superior to but only co-ordinate with Colonial Parliaments—a position implied by the denial of the constitutional right to tax—where, then, was

¹ Tucker's *Causes of Dispute between the Colonies and the mother country.*

there a supreme imperial body? It was inconsistent to admit that Parliament was such a supreme body for all matters except taxation. Taxation was one of the chief functions of supremacy and sovereignty. To deny the fundamental sovereign power of taxation would lead inevitably to a denial of all sovereign power. Soon the Americans would deny the constitutional right of Parliament to legislate for the colonies—a prediction justified by the sequel. The Colonial Assemblies were municipal not national in character, corporations not Parliaments, and as such subordinate parts of the Empire they should be made to contribute to the imperial revenue. To have to ask consent, to admit that contributions were like voluntary benevolences was to make a breach in the constitution of the Empire, to diminish the authority and sovereignty of Parliament.¹

The American contention as to the relation of the colonies to the mother country was held by the ministry to be inconsistent and untenable. This relation, as we have said, had never been clearly set forth. The theory on the English side of the controversy was—and no doubt it was the theory which expressed the public mind of that country—that Parliament had an absolute and unrestricted power of legislation over English dependencies. The colonies were corporations within its supreme dominion. Americans were the subjects of the realm, subject to English law. It was from this fact that they were entitled to claim the rights of natural born Englishmen. They could not be out of the realm and relieved of the burdens of the realm and at the same time be entitled to all the rights and immunities of those within the realm. Parliament, the great Assembly of the realm, was the supreme and sovereign source of English law and English rights.²

On the other hand the Americans, reviving an early theory of Massachusetts, held that the colonies were like Scotland

¹ Caldecott, *English Colonization and Empire*, p. 53.

² See the argument in Knox, *Controversy*, p. 3, et seq.

before the union ; they were bound in allegiance to the King, but were independent of the Parliament. To them the King in Parliament meant the King, in the person of his royal governor, in the Colonial Assemblies. America was not a dominion of England but of the King. England was herself a dominion.¹ The relation of the colonies was to the Crown not to the Parliament.

It is obvious that in these assertions and constitutional dogmas, the colonists could not escape the charge of inconsistency. They had repeatedly and in explicit terms acknowledged the right of Parliament to bind the colonists by its legislation.² They had long time resisted the extension of the royal prerogative and now they were found pleading this prerogative against the powers of Parliament. By their reasoning there was no way by which they could avoid a dilemma : "How could they escape out of the hands of the King without falling into the hands of Parliament? If, as some claimed when they resisted the royal prerogative they were British subjects entitled to the same rights and privileges as native born subjects within the realm, why then should they, more than any other subjects, be free from the burdens imposed by the imperial policy? But when in pursuance of that policy, Parliament undertook to tax the colonies, then they were forced by the logic of the situation to claim that, though subjects of the 'best of Kings,' they owed no more allegiance to Parliament than the Scotch did before the union."³

Knox, for the English side of the controversy made forcible use of these inconsistent claims of the Americans. He reduced their pleas to two : 1. The colonies had all the rights, liberties and privileges of Englishmen. 2. That they are without the realm, and, therefore, not subject to the common jurisdiction

¹ Franklin.

² Story's *Constitution of the United States*, I, p. 174.

³ Chamberlain in Winsor's *Narrative and Critical Hist. of America*, Vol. VII, p. 5.

of Parliament. He then very cleverly urged that to make good the first claim was to deny the second. The rights and privileges of Englishmen pertained to those only who were born and inhabiting within the realm, subject to the common law. On this reasoning, the legal argument against the policy of taxation by the plea of a peculiar relation of the colonies to the Crown was rejected by the ministry as inadequate.

These are the main points on which the ministry rested their case for the policy of the Stamp Act. The resistance of the colonies was not only to the Act itself but to the principle which it involved and the policy which it instituted. The Americans were not much moved by the plea of gratitude nor was there reason why they should be. Even if the burden of obligation had been upon the side of America, as it was not, it should have been remembered by English statesmen that gratitude has little place among national motives. The paramount motive among nations is interest. DeGarden the historian of Treaties well says that it is an erroneous calculation in politics to reckon upon gratitude as a force of any value in determining national conduct. But the fact was that befitting gratitude did not require of the colonists that they should submit to the innovation of internal taxation by an external power. In answer to such a plea they could urge as they did that the late war, to the expenses of which on account of an accumulated debt they were now asked to make an extraordinary contribution—this war had not been carried on at the sole expense of Great Britain, nor had the colonies alone reaped the benefit. The colonies had shared in the burden and the mother country had shared the benefit. Every year during the war requisitions were made by the Crown on the colonies for money and men; they made more extraordinary efforts in proportion to their abilities than Britain did; they raised, paid, clothed and fed, for five or six years, nearly twenty-five thousand men. That this was more than the share of the colonies was not only a claim of their own but the claim was recognized by the royal governments and by the

recommendation of the ministry that the colonies be allowed for the years of the war an annual reimbursement to the extent of 200,000 pounds sterling.¹ This reimbursement did not amount to more than two-fifths of their yearly expense. The balance was still resting upon them as a load of debt. To pay these debts the colonists had assessed heavy taxes upon themselves, on all their real and personal property, assessments which they could not hope would discharge their obligations for many years to come. While these burdens continued; while England was restraining the colonies in their commerce and manufactures; while she drained the colonies of all the cash they could procure by every art and industry in any part of the world, thus keeping them always in her debt; and in view of the fact that the colonies had been neglected while they were weak and had grown to strength and opulence almost by their unaided efforts; that they had been planted in America by the oppression and strengthened by the neglect of England;² in view of all these things could they be thought unreasonable and ungrateful for opposing new and unusual taxes which they believed to be unconstitutional and subversive of their most valuable rights?³ The home burdens of the Americans had been increased by the war, and in the face of these burdens it was now, not asked, but demanded of them that they contribute toward the support of an army which they did not want, which, as they felt, their situation did not require, and whose presence they resented as an imputation upon their loyalty. They looked with suspicion upon the army as a device for keeping them in subjection. The troops were not necessary to defend the colonists from the Indians. The colonies had defended themselves when they were weaker and the Indians more numerous. It was only after the Indians had been driven over the mountains that it

¹ Franklin, *Letter on Gratitude of America*, Works, IV, pp. 157-8.

² Barre in the Commons.

³ Franklin's *Letter on Gratitude*, Works, IV, p. 158.

was thought necessary by the home government to send troops for defense against them.¹ The plea of gratitude to England for the protection which she had afforded fell without much effect.

The fact that all the revenue collected by the Stamp Act was to be expended in America, was not material. It would be spent in the new provinces recently conquered from France where the soldiers were, not in the colonies which furnished the revenue.² The tax was distinctly an English tax for English purposes in that its motive was to relieve Englishmen at home and extend English power and English trade abroad. Colonial interests were not in the mind of the ministry either in the assessment or the proposed expenditure of the Stamp Tax.

The first public opposition in America to Parliamentary taxation was made in Massachusetts.³ In April, 1764, after the declaration by the Commons of intention to tax the colonies, the Boston Town Meeting, in instructions prepared by Samuel Adams, urged their Provincial Assembly to oppose the policy of taxation and assert American rights.⁴ This the Assembly did in the resolution that the sole right of giving and granting the money of the people of that province was vested in them as their legal representatives; that the imposition of duties and taxes by Parliament upon a people not represented in the House of Commons is absolutely irreconcilable with their rights; that no man can justly take the

¹ *Franklin before Committee of Commons*, Works, IV, p. 190.

² *Franklin, Testimony before the House of Commons*.

³ Wells, *Life of Samuel Adams*, Vol. I, p. 45.

⁴ It has been claimed that the "alarm bell" was sounded in Virginia by the Resolutions of Patrick Henry in the Burgesses to which I subsequently refer. These followed Adams' instructions a full year, though Henry's Resolutions seem to have been independent of the action of Massachusetts and were more widely published. Henry claimed that his Resolutions in the Burgesses, May, 1765, formed "the first opposition to the Stamp Act." For a clear presentation of this matter see Wells' *Life of Samuel Adams*, Vol. I, p. 45 et seq.

property of another without his consent,—upon which original principle the right of representation in the body levying the taxes, one of the main pillars of the English Constitution, is evidently founded.¹ This Massachusetts declaration is the earliest formal assertion of the American idea,—the idea upon which was based the American Revolution. It was not a new idea, certainly. The people had always been used to it in the practical operation of their governments. But an urgent occasion had arisen for its assertion, and our fathers proceeded to formulate a theory of the constitution for the defense of their rights. That this idea of the constitution had long been in fact a part of the American faith is seen in this, that upon the arrival of the Stamp Act in America every Assembly on the continent came to resolutions against the right of Parliament to impose taxes upon the people without their consent. The popular opposition excited in America by the Stamp Act is familiar. The Assemblies of the various colonies after the manner of Massachusetts were quick to put themselves on record in setting forth what seemed to them the legal and constitutional limits of the power of Parliament within the colonies. This keynote of organized colonial resistance was renewed independently by Virginia when she asserted in a series of resolutions that the colonists “were entitled to all the privileges and liberties of natural born subjects; and that the General Assembly of this colony have the only and sole exclusive right and power to lay taxes and impositions upon the inhabitants of this colony; and that every attempt to vest such power in any person or persons whatsoever, other than the General Assembly aforesaid, has a manifest tendency to destroy British as well as American freedom; that the taxation of the people by themselves, or by persons chosen to represent them, is the distinguishing characteristic of British freedom, without which the ancient constitution can not subsist.”² The

¹ *Proceedings in Massachusetts Bay*, Franklin's Works, Vol. IV, p. 469.

² A copy of these Resolutions may be found in Tyler's *Patrick Henry*, p. 62, Frothingham's *Rise of the Republic*, p. 180.

case was fully drawn up for the colonies by the Stamp Act Congress of 1765. The Declaration of Rights published by this Congress is recognized by all parties as a remarkably able state paper.¹ Story regards it as the "best general summary of the rights and liberties of the colonies."² It was upon the basis of this Declaration by the Stamp Act Congress in 1765 that the Americans rested their case. The student should note carefully the significance of their assertions: They declared

1. The allegiance of the colonies to the British Crown and their loyal subordination to Parliament.

2. That they were entitled to all the inherent rights and liberties of natural born subjects.

3. That it was the undoubted right of Englishmen that no taxes be imposed upon them without their consent, given personally or through their representatives.

4. That the Colonial Assemblies can be their only representative bodies competent to tax them. "The only representatives of the people of the colonies are persons chosen therein by themselves, and that no taxes ever have been, or can be, constitutionally imposed upon them, but by their respective legislatures; that all supplies to the Crown being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British Constitution for the people of Great Britain to grant to His Majesty the property of the colonists."

5. That trial by jury was an inherent and invaluable right.³

6. "That there is a material distinction in reason and sound policy between the necessary exercise of Parliamentary jurisdiction in general acts for the amendment of the common law and the regulation of trade and commerce throughout the whole Empire, and the exercise of that jurisdiction by imposing taxes on the colonies."

¹ Lecky, Vol. III, p. 357.

² Commentaries on the Constitution.

³ The Stamp Act provided that offenses against the Act should be cognizable in Courts of Admiralty.

It is necessary to understand this "material distinction" in order to understand the constitutional position of the Americans on the question of taxation. This was the distinction, now first formulated in theory by the colonists, *between internal and external taxation*. Congress had jurisdiction, the Stamp Act Congress conceded, in case of new legislation for the amendment of the common law ; she had jurisdiction in the regulation of commerce throughout the Empire ; the distinction between her jurisdiction for these purposes and her jurisdiction for imposing taxes within the colonies was the distinction now asserted by the Americans, and it was the fundamental constitutional distinction of the American Revolution. Was it a distinction without a difference in fact or principle ?

The colonists conceded to Parliament the right to rule the Empire and they acknowledged, they were, indeed, glad to claim, that they were part of the Empire. But determining the imperial commercial system was one thing ; raising revenue was another. Regulating their trade was a means of promoting the welfare of the Empire against the rest of the world. It would enable Englishmen to beat the Dutch, or the Spaniards, or the French, and for this the colonists were willing, like loyal Englishmen, to have their trade restrained and their manufactures repressed, if need be ; for this they were willing to bear burdens, to suffer, and to pay. In these trade laws taxing was a mere incident ; the purpose of the laws was not to tax, but to promote and regulate English trade, to legislate for the British Empire, to adopt a policy of state. But domestic taxation and administration are the concern of the people of the province in question. The only taxing power which the colonists had ever known were the Colonial Assemblies in which they were represented. Considered as a policy or system of revenue the Stamp Act was a departure from all former policies and systems. Domestic taxation through elective representatives,—this had been a fundamental fact, if not a principle, of the English speaking people, since *Magna Charta* ; it is the basic and precedent

principle of home rule and local self-government in the States to-day. The Stamp Act, therefore, opened a new principle. For the first time in English history a bill had passed Parliament granting duties to the King in the colonies; and "there began," says Burke, "the second period of the policy of this country with regard to the colonies."

Before this dispute arose the authority of Parliament to make laws for America had never been questioned. That authority was allowed to be valid in all matters except such as involved internal taxes.¹ The colonists were always jealous of their liberties and they were always quick to vindicate them when violated. They had long believed and insisted in repeated instances, that their liberties implied that a large sphere of government—the whole of domestic taxation and administration—were, and should be, sacredly reserved by their charters to their Provincial Assemblies. States rights were very early a part of the American political faith. These inviolable rights were claimed while the States were yet colonies and provinces. Regard for these rights were very deeply imbedded in the colonial mind. Nothing is more clearly observed by the student of history, no lesson is more important to statesmanship, than the necessity of wisdom in government in showing regard to prevailing and established opinions among the people to be governed. Franklin reminded the ministry of this important truth in discussing for the English ruling classes the causes of American discontent. "It was well known," says Franklin, "that the colonists universally were of opinion that no money could be levied from English subjects but by their own consent, given by themselves or their chosen representatives; that, therefore, whatever money was to be raised from the people of the colonies, must first be granted by their assemblies, as the money raised in Britain is first to be granted by the House of Commons; that this right of granting their own

¹ *Franklin before Committee of Commons*, Works, IV, p. 169.

money was essential to English liberty ; and that if any man or body of men, in which they had no representative of their choosing, could tax them at pleasure, they could not be said to have any property, anything they could call their own.¹ The process of raising revenues in the colonies before 1763, had been by requisition. The Crown made requisitions through the Governor or Secretary of State for the colonies and these were accustomed to grant their own money voluntarily and amply, whenever the Crown by its servants came into the Assemblies and demanded aids. Franklin believed that this old constitutional way of raising money in the colonies was still sufficient and that the colonies would respond to all demands for fair and reasonable aids. Americans therefore held the Stamp Act to be unnecessary because the colonies had ever been ready to make voluntary grants ; they held it to be unjust because it violated the rights and customs of natural born subjects. It is well to emphasize what Gadsden was strenuous in urging upon the Congress of 1765, that the Americans based their claims not upon their charters, not on the rights and immunities guaranteed in these documents, but rather upon the common rights of Englishmen. If the colonies had been left free to grant or refuse a revenue as they deemed fit, the probability is that they would have refused, though Franklin thought otherwise. It was a feeling of certainty as to this refusal which most influenced the ministry in adopting the policy of forcible taxation. But the freedom to refuse was a right which no one thought of denying to the Commons of England. This invaluable right of the Commons, a right which had been repeatedly defended in arms since Magna Charta, pertained to those Englishmen, and to those only, whose representative body the Commons was. If this right of the natural born citizens of England was to be enjoyed by the Englishmen in America it could be done only by saving their colonial assemblies the right freely to give or refuse aids demanded by the Crown.

¹ Franklin's Works, Vol. IV, p. 244.

This theory of the Americans involved in the distinction between internal and external taxes was not merely raised up for the occasion. It had been the opinion and feeling of America before 1763. Franklin testified before a Committee of the Commons that he had never heard any objection to the right of laying duties to regulate commerce, but a right to lay internal taxes was never supposed to be in Parliament; it was the opinion of every one that Americans could not be taxed by a body in which they were not represented. True, they had never formulated the distinction. It takes an occasion to bring out from an Englishman an attempt at an abstract definition or declaration. The attempt to tax America brought out the resolutions of Assemblies declaring this distinction. When Franklin was asked before the Committee of the Commons whether he could show any difference between the two taxes, he replied that the difference was very real and very great. "An *external* tax is a duty laid on commodities; that duty is added to the first cost and, when it is offered to sale makes a part of the price. If the people do not like it at that price they refuse it; they are not obliged to pay it. But an *internal* tax is forced from the people without their consent, if not laid by their own representatives. The Stamp Act says, we shall have no commerce, make no exchange of property with each other, neither purchase, nor grant, nor recover debts; we shall neither marry nor make our wills, unless we pay such and such sums; and thus it is intended to extort our money from us or ruin us by the consequences of refusing to pay it.¹ When it was suggested that a duty might be levied upon the necessities of life and thus extort by an external tax the money of the colonists, Franklin replied that the Americans if they desired could easily do without English imports.

It is true that the Americans could not in the abstract definition, in *theory*, draw a clear line of demarcation between

¹ Franklin's Works, IV, p. 174.

external and internal taxes. It could be said with a show of truth that, since the tariff acted clearly as a tax the distinction between the two kinds of taxes was without a real basis in fact. Metaphysical reasoning might make it appear that one kind of tax shaded into the other, nevertheless there was a distinction both in practice and in principle, a distinction which was not to be misunderstood and was not to be avoided. This distinction, as defined by Franklin, was sustained by Burke. *External taxation*, which had always been conceded, was not, he says, "a distinction of geography but of policy; it is a power for regulating trade, and not for supporting establishments. The distinction which is as nothing with regard to right is of most weighty consideration in practice. . . . Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burden them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing them. These are the arguments of States and Kingdoms. Leave the rest to the schools."¹

It is well known that Burke argued the question merely from the standpoint of expediency. With him it was a question of policy not of right. He had very little use for abstract principles in politics. He was not examining whether voting away a man's money was a power reserved out of the general trust of government; or whether the right of taxation was in principle necessarily involved in the general principle of legislation and was therefore inseparable from the supreme power in the Empire. He was not seeking to determine a question of constitutional law; he was for restoring tranquillity. "The question with me is," he says, "not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not what a lawyer tells me I may do; but what humanity, reason and justice tell me

¹ *Speech on Taxation*, Payne's Select Works of Burke, Vol. I, p. 153-4.

I ought to do.”¹ Burke would have recalled the commons to the old policy and to original principles in the colonial system,—that of regulating trade while leaving the colonies “every characteristic of a free people in all their domestic concerns.” He held that it was not till the scheme of taxation arose and was revived again after the repeal of the Stamp Act, which filled the minds of the colonists with fears and apprehensions,—it was not until then that they quarreled with the old taxes as well as the new; it was not until then that they questioned even the legislative power of Parliament.²

Although Burke in his two great speeches on the Revolution based his opposition to the ministry and his plea for the colonies chiefly on the question of expediency, he could not altogether avoid the question of constitutional right. The old constitutional principle found defense even from Burke. He recognized that the great contests for freedom among the English people were “from the earliest times chiefly upon the question of taxing.” In speaking of the great and vital question of taxation he asserted that the constitutional lawyers, both English and American, who were defending the American idea in our revolution were but defending the “excellence of the English Constitution.” These, he says, “not only found it necessary to insist on the privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments, but they went further. They attempted to show, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons. They took infinite pains to inculcate as a fundamental principle that in all monarchies the people must, in effect, themselves mediately or immediately, possess the power

¹ *Speech on Conciliation with America*, Payne's Works of Burke, Vol. I, 196.

² *Speech on Taxation*.

The two speeches of Burke, on *American Taxation* and *Conciliation with America* are a very valuable source for a study of the Causes of the Revolution

of granting their own money, or no shadow of liberty can subsist. The colonies draw from you as with their life blood these ideas and principles.”¹ We see, then, that even in Burke’s opinion, after all, it was not merely a question of expediency. There were “ideas” and “principles” and convictions, back of the contest. “The feelings of the colonies,” he says elsewhere, “were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden’s fortune? No! but the payment of half twenty shillings, on the principle it was demanded would have made him a slave. It is the weight of that preamble² not the weight of the duty that the Americans are unable and unwilling to bear.”³

Pitt based his opposition to the Stamp Act and Parliamentary taxation upon different grounds. He denied, as boldly as any American, the constitutional right of Parliament to tax the colonies :

“This Kingdom has no right to lay a tax upon the colonies. At the same time I assert the authority of this Kingdom over the colonies to be sovereign and supreme in every circumstance of government and legislation whatsoever. They are the subjects of this Kingdom, equally entitled with yourselves to all the peculiar privileges of Englishmen, equally bound by its laws, equally participating in the constitution of this free country. Americans are the sons not the bastards of England. Taxation is no part of the governing, or legislative power. Taxes are a gift, a grant of the Commons alone. In *legislation* the three estates of the realm are alike concerned. A *tax* is of the Commons alone; only the concurrence of the peers and the Crown is necessary to clothe it with the form of law.

¹ *Speech on Conciliation with America.*

² That is, the principle asserted.

³ *Speech on American Taxation*, Vol. I, p. 105, Payne’s Works of Burke.

The distinction between legislation and taxation is essentially necessary to liberty.”¹

Pitt then proceeded to acknowledge, more clearly and boldly, if possible, the American distinction: “There is a plain distinction between taxes levied for the purposes of revenue and duties imposed for the regulation of trade for the accommodation of the subject, though in the consequences some revenue may incidentally arise. . . . Let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that of taking their money out of their pockets without their consent.”²

Lord Camden also asserted in Parliament that taxation was not included in the general right of legislation, that “taxation and representation were inseparable.”

It was urged by the party of the ministry that these arguments were pure theory and were not found to be operative in fact. Birmingham and Sheffield and Manchester, English centres of population were not more represented in Parliament than Boston and Philadelphia, yet these centres were the heaviest tax-paying districts in England. A representative in the Commons was not supposed, on the true theory of representative government, to represent merely the district which sends him up, but he stands as a representative and legislator for the Empire.

Such fallacy and sophistry were easily detected and exposed. All the “representatives of the Empire” were from Great Britain, having their commercial and property interests there, and by this convenient theory these were to be allowed the exclusive right of disposing of the property of colonists 3,000 miles away. That certain important English interests had no

¹ Goodrich's *British Eloquence*, Speech of Pitt.

² Goodrich's *British Eloquence*.

representatives in Parliament was to the shame not to the credit of England; it was due to her deformed and corrupt electorate. Burke might well ask in speaking of the colonies, "When this child of ours wishes to assimilate to its parent, and to reflect with a true filial resemblance the beauteous countenance of British liberty, are we to turn to them the shameful parts of our constitution? Are we to give them our weakness for their strength? Our opprobrium for their glory?"¹

It is very true that the American principle now asserted in the expression "no taxation without representation," would not bear, as Lecky says, "a severe and philosophical examination." Many practical inconsistencies could be urged against it. As an abstract political principle it could not be said that the English people before our Revolution had ever pretended to apply it fully in the state, and both the commonwealths, England and America, have violated it ever since. It was never asserted as a principle *a priori*. It did not have its origin in political speculation. It is found to have been a fact with English freemen very early in English history. Far back under feudal conditions the Barons claimed for the nation the right, and the King conceded it, that in questions concerning the assessment of aids a council of the realm shall be summoned whose consent should be necessary to any new imposition.² It was not a question of accuracy in political reasoning; it was a question as to the custom of the realm. If there is a better definition any where of that custom than that there shall be no taxation without consent given in person or through representatives, we have not been able to discover it. Political principle is often but another name for long standing usage. This principle had been recognized by the English people on at least four great and solemn historic occasions and usage had confirmed their faith in it. 1. In 1215, when the Barons forced the charter from John, in which

¹ *American Taxation.*

² *Magna Charta.*

it was agreed, and guaranteed by the sovereign power of the state, that aids should be fixed and certain and that a common council of the realm should be summoned and consulted upon their imposition. 2. In 1297, in the *Confirmatio Chartarum* under Edward I, and in the Statute *De Tallagio non Concedendo*, ever since which time no taxation without consent has been an admitted principle in the constitution.¹ 3. In 1628, in the Petition of Right under Charles I, at which time this principle was again solemnly asserted. 4. In the "glorious revolution" of 1688, when the nation in assembly again declared its faith that the sovereign power of taxation was to be exercised only by the consent of the representative Commons house of Parliament; that is, by the consent of the representatives of those who were to pay. It may be true that by "severe accuracy of definition, by refinement and precision of reasoning, and by the letter of the law" it was impossible to prove that there really was any distinction between taxing and other legislative acts.² But by the constitutional traditions and usage of the English people such a distinction was clearly recognized. On this account Mr. Lecky says, with great fairness and force, that "the Stamp Act, although it was by no means as unjust or as unreasonable as has been alleged, did unquestionably infringe upon a principle which the English race both at home and abroad have always regarded with peculiar jealousy. The doctrine that taxation and representation are in free nations inseparably connected, that constitutional government is closely connected with the rights of property, and that no people can be legitimately taxed except by themselves or their representatives, lay at the very root of the English conception of political liberty."³

The Stamp Act was repealed the year following its enactment. Accompanying the repeal,—in a measure the condition

¹ Taswell-Langmead, *Constitutional History of England*, p. 271.

² Lecky's *England in the Eighteenth Century*, Vol. III, pp. 353, 354.

³ Lecky's *England in the Eighteenth Century*, Vol. III, p. 353.

on which repeal was secured,—the Declaratory Act was passed. This Act asserted the *right* of Parliamentary taxation in the colonies ; that “ Parliament has power to bind the colonies in all cases whatsoever.” The ministry had surrendered their measure but not their principle. The repeal however, hushed popular clamor and opposition. John Adams said that the people would have very little regard for the mere empty declaration of right which was never to be exercised. Dr. Franklin affirmed before the Commons that the resolutions of a right to tax would give very little concern if they are never attempted to be carried into practice. In view of assertions like these and the absence of public objections in America to the Declaratory Act, the motive of the American contention has been impeached. If it were principle and not pence they were contending for, it has been asked, why did the colonists not raise vigorous objection to the Declaratory Act, which solemnly affirmed the principle which they denied ? Was it only *paying* they objected to ?

The importance of the Declaratory Act has not been fully estimated. As a matter to excite resistance it was not formidable. Protest against the principle it asserted had already been made. It is not true that the Americans had no concern over the re-assertion of the principle. It was constantly in their minds. They regarded it as a continual menace to their constitutional liberties. To the degree that they were reminded of it by its practical application in overt acts of legislation they met it firmly by overt acts of resistance. The Declaratory Act was an index to the irrepressible nature of the controversy. Each party had published its platform. One affirmed and the other denied the right of Parliamentary taxation, and neither party would retract. Resistance and separation were, upon that basis, but a question of time and strength.

It is not the purpose of this monograph to trace the progress of the Revolutionary movement. The mode and measure of colonial resistance are familiar. When Townshend came to power in Parliament in 1767, he took occasion to express

contempt for the American distinction between internal and external taxation. He then proceeded to carry three measures in Parliament on the line of the Declaratory Act. First, urged on by the opposition, he proceeded to punish New York, for her disregard of the Quartering Act in refusing to make provision for the troops, by suspending her Assembly and denying royal sanction to any law until the terms of the objectional act should be complied with. Franklin interpreted the temper of this act to be: "Obey implicitly laws made by Parliament to raise money on you without your consent or you shall enjoy no rights and privileges at all."¹ By a second act of Townshend's ministry a Board of Commissioners was created to execute the Laws of Trade. By a third the taxing policy was resumed.²

This commercial taxation, on glass, lead, painters' colors, paper and tea, was to be collected by import duties. It was thus cleverly arranged by Townshend to observe the American distinction in letter while he violated it in spirit. But his tax was clearly a means of supply not an instrument of Empire, and he should have foreseen that it, also, would have been resisted by the Americans. During the seven years of "peaceful resistance" by America, occurred the aggravating acts of violence in the colonies which provoked Parliament to coercion. The agitation by the American press and speakers, the policy of non-importation in respect to the goods under tax, the "committees of inter-colonial correspondence," these all fanned the flame of opposition and did nothing to secure concession and favor from the party in power. Massachusetts was commanded to rescind her circular letter and upon her refusal to do so her Assembly was dissolved. It is seen, from events like these, that the breach was widening. It became irreparable by the unwise and unfortunate acts of Parliamentary coercion.

¹ Franklin's Works, IV, p. 247.

² Lecky, Vol. III, p. 383.

Four notable acts in the attempt of Parliament at the peaceful coercion of the colonies must be brought within the scope of this study, though only a brief reference can be given to each of them. They have been called the "Four Intolerable Measures."

The *Boston Port Bill*, of 1774, closed the port of Boston to the importation and exportation of all goods except food and fuel. It was intended to punish Boston for her active and persistent opposition to Parliament, by a virtual destruction of her trade. Her custom house was removed to Salem and English men-of-war were to maintain the blockade. Boston was to continue under the ban till compensation was made to the East India Company for the tea which had been destroyed, and the Crown was satisfied that trade for the future would safely be carried on in Boston, that property would be protected, laws obeyed and duties paid.

The *Massachusetts Bill*, the second act calculated to excite a hotter anger and resentment in Massachusetts, and apprehension throughout the colonies, was passed the same year. It was a virtual revocation of the charter received by the colony in 1691. The General Assembly was left untouched but the upper chamber, hitherto elected by the Assembly, was now to be appointed by the Crown. The executive power was greatly increased and was no longer to emanate from the people as heretofore. Instead, the judges, magistrates and sheriffs were to be appointed by the royal governor, whose appointments were to be revocable at pleasure. Juries were to be no longer elective but were to be summoned by the royal Sheriff. The right of public meeting was to be abridged,—a most serious interference with the rights and privileges of the people. None but election meetings were to be held and no subject was to be discussed except by the permission of the Governor.¹ Such an act was calculated to bring consternation to every colony in America. Every colony was brought face to face with the

¹ Lecky.

grave question whether or not it really had any chartered rights, or whether its whole representative system existed only by the indulgence of Parliament.

The *Transportation Bill* was the third one of the intolerable measures which led to the final resistance in arms. It provided that any one accused of a capital crime committed while in aid of the government—in helping magistrates to suppress tumult and riot—should be tried in England or in some other colony than that wherein the crime was committed. This denied the right of trial by jury on the spot, in the vicinity of the crime, a time-honored right and usage among Englishmen. The unfriendly feeling in Massachusetts toward the soldiers and the officers of the Crown, seen in the so-called “Boston Massacre” and other hostile demonstrations, was the defense for this measure. To the Englishman it appeared merely like a provision for a change of venue from a province where a fair trial could hardly be expected. In commenting upon the Transportation Bill, Lecky says: “The conduct of the Boston judges and of the Boston jury in the trial of Captain Preston and his soldiers, had redounded to their immortal honor; but government was resolved that no such risk should be again incurred, and that soldiers who were brought to trial for enforcing the law against the inhabitants of Boston should never again be tried by a Boston jury.”¹ The inference of the Act seemed to be ill founded. The reasoning seemed to be that the people of Boston having once administered justice in a notable case in the face of prejudice and provocation, deserved a general act questioning the integrity of her juries and denying the disposition of her people to do justice.

Against these three objectionable measures the Province of Massachusetts protested, asserting that by the first “the property of unoffending thousands is arbitrarily taken away for the act of a few individuals; by the second our chartered

¹ *England in the Eighteenth Century*, Vol. III.

liberties are annihilated ; by the third our lives may be destroyed with impunity.”

The *Quebec Act* was the fourth measure which was intolerable to the colonists. It was passed in 1774. The purport of the act, in defining the limits of Quebec, was to extend that province to the Ohio river under absolute rule, French law, and the Catholic religion. It virtually confined the free democratic government of New England to the region east of the Alleghanies, interfered with the natural westward expansion of the colonies, as these were hereafter to find upon their western frontier a state governed upon despotic principles under Catholic establishment. The act greatly offended the religious feelings, instincts, and prejudices of the Puritan. “With the exception of some parts of Scotland,” says Lecky, “no portion of the British Islands was animated with the religious fervor of New England, and no sketch of the American Revolution is adequate which does not take this influence into account.”¹

My sketch will seem inadequate in that, among other defects and omissions, I have not attempted an appreciation of the deep underlying moral causes of which the Revolution has appeared to many but the natural outcome. The measures and movements which I have attempted to estimate and define are regarded as but the flower and fruitage of moral influences whose roots are deeper in social ideas and forces than I have ventured to examine. These, however, are for the inquiry of the philosopher rather than the historian. But every historical student of the American Revolution is expected to understand that the revolt of the colonies and the movement for independence was the result of a social and political character in a people which was the result of generations of experience and training. Burke pointed out, while the Revolution was in progress, that the Americans’ love of liberty, their religion, their education, their knowledge of English law and institutions,

¹ Lecky’s *England*, Vol. III, p. 434.

and their training in English political life, were underlying and potent influences in the Revolution. There were other influences than these. Streams of influence, found in religious and political life, converged toward the American Revolution from all the Puritan and Protestant countries of Europe, from the republican institutions and usage of the Netherlands, from the Calvinists and Huguenots of Switzerland and France, from the Presbyterianism of the Scotch-Irish, as well as from the dissenting religionists of all classes in England. "The explanation of the Revolution is not to be found merely in English precedents."¹ When we attempt to estimate the unseen and silent forces in national and religious character which have contributed to the American Revolution we find ourselves dealing with numerous social energies too general, subtle, and pervasive to be adequately measured. But no intelligent reader will forget that an upheaval so general and spontaneous, and seemingly so inevitable, is not to be explained by so simple and isolated a fact as the imposition of a tax. That would be like accounting for the tremendous revolution of France, as an able writer has done, by the fact of a deficit in her treasury. The destiny of nations is not changed by isolated facts. Rather the great movements of history have been the result of moral and spiritual forces which, gathering for centuries, have needed only favorable circumstances for the manifestation of their power.²

¹ Mr. Douglas Campbell in his *Puritans in England, Holland and America*, one of the most noteworthy historical works of our times, presents very forcibly and fully the various un-English elements contributing to the American Revolution. The student should consult his pages.

² Balch's *The French in America* has a suggestive chapter on the moral influences in the Revolutionary War.

NOTES.

I.

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- d. Burke's *Speeches: On Conciliation with America, and American Taxation*. Works, Payne's Edition, Vol. I.
- e. Pitt's *Speech on the Repeal of the Stamp Act*. See Goodrich's *British Eloquence*.

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17. Sabine's *Royalists of the Revolution*.
18. Wells' *Life of Samuel Adams*.
19. Tyler's *Life of Patrick Henry*.
20. Hart's *Formation of the Union*. (Epochs of American History.)
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22. Marshall's *Life of Washington*.
23. Parton's *Life of Franklin*.

II.

DECLARATION OF RIGHTS BY CONGRESS OF 1774.

On the 14th of October, this congress published to the world the following Declaration: "That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights:

1. "That they are entitled to life, liberty, and property; and they have never ceded to any foreign power whatever, a right to dispose of either, without their consent."

2. "That our ancestors, who first settled these colonies, were, at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural born subjects, within the realm of England."

3. "That by such emigration, they by no means forfeited, surrendered or lost, any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances, enable them to exercise and enjoy."

4. "That the foundation of English liberty, and of all free governments, is a right in the people to participate in their legislative council: and, as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and *exclusive power of legislation*, in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of *taxation and internal policy*, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But from the *necessity* of the case, and a regard to the mutual interest of both countries, we cheerfully consent, to the operation of such acts of the British parliament, as are *bona fide*, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation internal or external, for raising a *revenue*, on the subjects in America, without their consent."

5. "That the respective colonies, are entitled to the common law of England, and more especially, to the great and inestimable privilege of being tried by their peers of the vicinity, according to the course of that law."

6. "That they are entitled, to the benefit of such of the English statutes, as existed at the time of their colonization; and which they have, by experience, respectively found, to be applicable to their several local and other circumstances."

7. "That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them, by royal charters, or secured by their several codes of provincial laws."

8. "That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations and commitments for the same, are illegal."

9. "That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law."

10. "It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature, be independent of each other; that, therefore, the exercise of legislative power, in several colonies, by a council appointed during pleasure, by the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation."

III.

ADDRESS TO THE PEOPLE OF GREAT BRITAIN,
CONGRESS OF 1774.

Friends and fellow subjects.—

When a nation, led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence and humanity can bestow, descends to the ungrateful task of forging chains for her friends and children, and instead of giving support to freedom, turns advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers.

In almost every age, in repeated conflicts, in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies, and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence, and transmitted the rights of men, and the blessings of liberty, to you their posterity.

Be not surprised, therefore, that we who are descended from the same common ancestors; that we, whose forefathers participated in all the rights, the liberties, and the constitution you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government and the solemn compacts with British sovereigns, should refuse to surrender them to men who found their claims on no principles of reason, and who prosecute them with a design, that by having our lives and property in their power, they may, with the greatest facility, enslave you.

Know then, that we consider ourselves, and do insist that we are and ought to be, as free as our fellow subjects in Britain, and that no power on earth has a right to take our property from us, without our consent.

Are not the proprietors of the soil of Great Britain, lords of their own property? Can it be taken from them, without their consent? Will they yield it to the arbitrary disposal of any man, or number of men whatever? You know they will not. Why then are the proprietors of the soil of America less lords of their property than you are of yours? Or why should they submit it to the disposal of your parliament or any other parliament, or council in the world, not of their election?

Reason looks with indignation on such distinctions, and freemen can never perceive their propriety. . . . Such declarations we consider as heresies in English politics, and which can no more operate to deprive us of our property, than the interdicts of the pope can divest kings of sceptres which the laws of the land and the voice of the people have placed in their hands. . . . We call upon you yourselves, to witness our loyalty and attachment to the common interest of the whole empire; did we not, in

the last war, add all the strength of this vast continent to the force which repelled our common enemy? Did we not leave our native shores, and meet disease and death, to promote the success of British arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money, which, you confessed we had advanced beyond our proportion, and far beyond our abilities? You did. . . . Let justice and humanity cease to be the boast of your nation. Consult your history, examine your records of former transactions; nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and shew us a single instance of men being condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious formality of a trial; and that, too, by laws made expressly for the purpose, and which had no existence at the time of the fact committed. If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous, when we call upon our ministerial enemies to justify, not only condemning men untried, and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of 30 or 40, to bring poverty, distress and calamity, on 30,000 souls, and those not your enemies, but your friends, brethren and fellow-subjects. . . . Nor can we suppress our astonishment, that a British parliament should ever consent to establish in that country, a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world. This being a true state of facts, let us beseech you to consider to what end they lead. Admit that the ministry, by the powers of Britain, and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery. Such an enterprise would doubtless make some addition to your national debt, which already presses down your liberties, and fills you with pensioners and placemen. We presume, also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be? What advantages or what laurels will you reap from such a conquest? . . .

May not a ministry with the same armies enslave you?—It may be said, you will cease to pay them,—but remember the taxes from America, the wealth, and we may add the men, and particularly the Roman Catholics of this vast continent, will then be in the power of your enemies; nor will you have any reason to expect, that after making slaves of us, many among us should refuse to assist in reducing you to the same abject state. . . .

We believe there is yet much virtue, much justice, and much public spirit in the English nation.—To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies.—Permit us to be as free as yourselves, and we shall ever esteem a union with you, to be our greatest glory and our greatest happiness; we shall ever be ready

to contribute all in our power to the welfare of the empire; we shall consider your enemies as our enemies, and your interest as our own. . . .

But, if you are determined that your ministers shall wantonly sport with the rights of mankind—if neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood, in such an impious cause, we must then tell you, that we will never submit to be hewers of wood, or drawers of water for any ministry or nation in the world.

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